

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 11068 OF 2012

Vakas Mushtaque Patel ... Petitioner.
V/s.
Javeed Gulam Mohammad Dalvi & 7 Ors. ... Respondents.

Mr. Ajinkya Udane, Advocate I/by S. B. Deshmukh for the
Petitioner.

Mr. S. M. Oak, Advocate for the Respondent Nos. 1 to 5.

Mr.N.R. Bubna, Advocate for Respondent No.8.

**CORAM : RANJIT MORE AND
SMT.BHARATI H.DANGRE,JJ.**

DATE : JANUARY 23, 2019

PC :

1 Heard learned counsel appearing for the respective parties.

2 The grievance made in this petition is against the six unauthorized constructions carried out by the Respondent Nos. 1 to 6. The Respondent No.8, Bhiwandi Nizampur City Municipal Corporation, had claimed that out of six unauthorized structures, first three structures are legal and that, so far as the remaining three structures are concerned, two structures have already been regularized, which is evident from the letter of in-charge of Assistant Director of the Bhiwandi Municipal Corporation dated 22.01.2019. The said letter is taken on record. In respect of remaining one structure,

the Respondent Nos. 6 & 7 have already approached the Civil Court. The Respondent No. 8-Corporation had also filed the Affidavit-in-reply in this regard.

4 So far as, the sixth structure is concerned, allegedly owned by Respondent Nos. 6 & 7, the Corporation gave notice to them under section 260 of the Maharashtra Municipal Corporation Act. However, the Respondent Nos. 6 & 7 have approached the Civil Court and obtained interim order of protection.

5 Mr. Bubna, learned counsel for the Corporation makes a statement that the Corporation will make endeavour for expeditious hearing of the suit /interim application.

6 The Petitioner is also at liberty to make application in the City Civil Court for intervention in the proceedings filed by the Respondent Nos. 6 and 7.

7 In the light of the above, nothing survives for consideration in the writ petition and the same is accordingly disposed of.

[SMT.BHARATI H. DANGRE,J.] [RANJIT MORE, J.]

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