

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION NO.221 OF 2018
IN
WRIT PETITION NO.970 OF 2015**

M/s. Treaty Construction

....Applicant/
Original Petitioner

versus

The Commissioner, Municipal Corporation of
Greater Mumbai and ors.

....Respondents

Mr. Rompal Singh Kohli along with Ms. Dhvani Jain i/b. M/s. C. K. Legal,
advocates for the applicant/original petitioner.

Ms. Vandana Mahadik, advocate for the Corporation.

Ms. Swapna Roopwate i/b. Mr. Tushar Goradia, advocate for the
respondent No.7.

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

DATE : 7th JANUARY, 2019.

P. C. :

By this notice of motion, the petitioner is making a grievance that the order dated 12th June, 2017, passed by the Division Bench of this Court in writ petition No. 970 of 2015 is not complied with. The operative part of the said order reads as follows :-

- “(i) We direct the designated officer of the concerned ward to visit the property in question after notice to the petitioners as well as the seventh respondent;*
- “(ii) The designated officer shall ascertain whether any illegal constructions/unauthorised changes/additions/alterations have carried out as alleged by the petitioner;*
- “(iii) if the designated officer finds that such illegalities have been committed,*

he shall immediately initiate action in accordance with law. Needless to add that no action of demolition or removal of additions/alterations shall be taken without giving show cause notice to all the persons affected thereby and without giving them an opportunity of being heard;

- (iv) All contentions on merits are kept open;*
- (v) The Petition is disposed of on above terms."*

2. The learned counsel for the Corporation has placed on record notice dated 26th December, 2018, issued under Section 53(1) of the Maharashtra Regional and Town Planning Act, 1966, to the Owner/Occupier/Secretary/Chairman, CTS No.99 99/1 to 16 of village Bandivali, Jogeshwari (W) Mumbai. The learned counsel for the Corporation, on instructions of officer concerned -Mr. Sandip P. Sonawane, Assistant Engineer (B and P) K/West Ward, makes a statement that this notice would be taken to its logical end. The statement is accepted.

3. In the light of the above, the grievance made in the notice of motion does not survive for consideration at this stage. The same is, accordingly, disposed of.

[SMT. BHARATI H. DANGRE, J.]

[RANJIT MORE, J.]