

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION NO. 2420 OF 2018

Rajesh Ashok Keny	}	Petitioner
versus		
Municipal Corporation of	}	
Greater Mumbai and Ors.	}	Respondents

Mr.Jitendra Tiwari I/b. Mr.Satyam R. Dubey for
the petitioner.

Mr.A.P.Steenson with Ms.Rupali Adhate for the
Municipal Corporation.

**CORAM :- S. C. DHARMADHIKARI &
B. P. COLABAWALLA, JJ.**

DATE :- APRIL 23, 2019

P.C. :-

1. The affidavit tendered by the Municipal Corporation, in pursuance of the earlier order, is taken on record.

2. The writ petition prays for taking action against what is styled as an illegal and unauthorised construction. The building known as “Jayshree Plaza” has been constructed, according to the petitioner, without any permission. The Municipal Corporation, therefore, should indicate to this court what steps it proposes to take.

3. The initial confusion before this court and created by the Municipal Corporation itself was to the effect that the notices were issued to the concerned persons and in-charge of that

construction. However, those persons rushed to this court and sought protection. There was initially an order passed on 10th August, 2017 in that writ petition filed by the owners of the building being Writ Petition (L) No.2074 of 2017. Later on, the Municipal Corporation discovered that the writ petition came to be dismissed for want of removal of office objections. Further, the building owners applied for retention of the building, which application was rejected on 27th March, 2019 for non compliance. The issue that survives and after some retention was permitted, has been extensively set out in this affidavit.

4. The Municipal Corporation's counsel submits that the earlier writ petition has been dismissed for want of procedural compliances. That results in vacating of the ad-interim order also. In these circumstances, the Municipal Corporation will take appropriate steps and in accordance with law against the offending construction. It will initiate the process and conclude it as expeditiously as possible. We accept the statements made based on this affidavit as undertakings given to this court.

5. The writ petition is disposed of accordingly.

(B.P.COLABAWALLA, J.)

(S.C.DHARMADHIKARI, J.)