

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO.2615 OF 2016**

Trupti Krishnaji Sawant ... Petitioner
versus
M/s. ABU Enterprises and Ors. ... Respondents

Mr. Rajesh Kachare i/by Mr. S.M.Suryawanshi, for Petitioner.
Mr. Sanjiv Sawant, for Respondent No.1.
Ms. Prachi Tatake with Ms. Vandana Mahadik, Ms. Sheetal Ketakari, for BMC.
Ms. Aditi i/by Mr. P.J.Thorat, for Respondent No.7.
Mr. Navnit Jadhav, A.E. (B.F.) D Ward, present.

**CORAM: S.J. KATHAWALLA &
B.P.COLABAWALLA, JJ.
DATE: 2nd DECEMBER, 2019**

P.C.:

1. On 28th November, 2019 this Court passed the following order :

“1. According to the Petitioner, Respondent No.7 has carried out illegal constructions in his four flats and the Respondent No.1 – Developer too has carried out illegal constructions in the refuge area etc. The learned counsel appearing for Respondent No.7 as well as the Developers state that all the works complained of are as per the sanctioned plans. The Petitioner disputes the same.

2. In view of the above, the Executive Engineer, Ward D shall visit the subject premises on 29th November, 2019 at 12.00 noon and submit his report to this Court on 2nd December, 2019 setting out the unauthorized works, if any, carried out by Respondent No.7 in his four flats or by the developer in any part of the suit building. The Executive Engineer shall be at liberty to take photographs of the unauthorized works, if any. The

representatives of the parties may remain present during the visit of the Executive Engineer.

3. *Stand over to 2nd December, 2019 at 3.00 p.m.”*

2. Pursuant to the said order, the Executive Engineer visited the A, B and C wings of the building ‘Valencia’ situated at C.S.No.293 of Tardeo Division, Tukaram Javaji Marg, Grant Road, Mumbai – 400 007 and has submitted his report pointing out the irregularities/violations found during inspection on the floors indicated in the report. The Report also sets out the particulars of the two notices issued under Section 351 of the Mumbai Municipal Corporation Act and the action taken thereon.

3. Copy of the said report is taken on record and marked ‘X’ for identification.

4. The learned Advocate appearing for the Corporation on instructions from Mr. Jadhav, who is present in Court undertakes to take action qua the irregularities / violations set out in the said report dated 2nd December, 2019 by following due process of law. The undertaking is accepted. The action shall commence within a period of two weeks from today.

5. The Writ Petition is accordingly disposed of.

(B.P.COLABAWALLA, J.)

(S.J.KATHAWALLA, J.)