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

**WRIT PETITION NO. 2614 OF 2017
WITH
INTERIM APPLICATION NO. 1 OF 2019
IN
WRIT PETITION NO. 2614 OF 2017**

Deepak S.Kamble ...Petitioner.

vs

Municipal Corporation of Gr. Mumbai & Ors. ...Respondents.

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Mr. M.M.Vashi Sr. Advocate i/b M.P.Vashi & Associates for the Petitioner
Mr. J. Reis, Sr. Advocate a/w Ms Vandana Mahadik for the Respondent/
M.C.G.M.

**CORAM : S. J. KATHAWALLA &
B. P. COLABAWALLA, JJ.
DATE 25 NOVEMBER, 2019.**

P.C. :

By the above Writ Petition the Petitioner is challenging unauthorized demolition of his structure by the Municipal Corporation. A detailed order holding that the demolition is unauthorized and allowing the Petitioner to reconstruct the same was passed by this Court by its order dated 26th March, 2018. The matter was carried in appeal by the Municipal Corporation before the Supreme Court by way of Special Leave Petition (for short "SLP") which was admitted and converted into Civil Appeal No. 7626 of 2019 and Civil Application No. 7627 of 2019. Civil Appeal No. 7626 of 2019 and Civil Appeal Nos. 7627 of 2019 were heard by the Supreme Court and disposed of by an order dated 24th October, 2019.

As far as Civil Application No. 7627 of 2019 is concerned the Supreme Court has recorded that the Respondent has already reconstructed the demolished structure, the Municipal Corporation was, therefore, directed to issue a fresh notice to the Respondent and thereafter action be taken in accordance with law. As far as Civil Application No. 7626 of 2019 is concerned, where the Respondent had not reconstructed the demolished structure, the Supreme Court held that even if the structure is demolished unauthorizedly, the reconstruction cannot be allowed. The order of the High Court to that extent was set aside and the matter was remanded to this Court with a request to proceed in accordance with law. The issue now will have to be determined is as to whether the construction carried out by the Petitioner and demolished by the Municipal Corporation was unauthorized or not.

2 In view thereof, the Petitioner shall file his representation before “E” Ward Officer within a period of two weeks from today. Upon receipt of such representation, the Ward Officer shall give hearing to the Petitioner and decide the representation within a period of two weeks thereafter. Needless to add that if the order is adverse to the Petitioner, the Petitioner shall be at liberty to impugn the said order. The above Writ Petition is accordingly disposed of. In view of disposal of the Writ Petition, Interim Application do not survive and the same is disposed of accordingly.

(B. P. COLABAWALLA, J.)

(S. J. KATHAWALLA, J.)