

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

**REVIEW PETITION (ST) NO.1333 OF 2020
IN
WRIT PETITION (ST) NO.3002 OF 2019**

Durgamata Welfare Society ... Petitioner

versus

Shri Ganajaj Kashinath Patil and Ors. ... Respondents

Mr. Siddesh Pilankar i/by Mr. Uday Warnujikar, for Petitioner.

**CORAM: S.J. KATHAWALLA &
B.P.COLABAWALLA, JJ.**

DATE: 23rd JANUARY, 2020

P.C.:

1. Not on board. Mentioned for urgent hearing. In view thereof, taken up for hearing.
2. Heard the learned Advocate appearing for the Society, who had failed to remain present on 8th January, 2020 when the following order was passed :

“1. The above Writ Petition is filed by the Petitioners, intralia seeking the following reliefs :

(a) Rule Nisi be issued and records and proceedings be called for;

(b) By a suitable writ, order or direction, this Court be pleased to direct Respondent Nos.2 to 6 to immediately demolish the illegal

structures/unauthorized construction carried out by the Members of Respondent No.1 Society in land bearing Survey No.198, Hissa No.4 and land bearing Survey No.201, Hissa No.2 totally measuring 1H-03 Gunthas situated at Post Gorakhvire, Tal. Vasai, District Thane, which belong to the Petitioners in accordance with law;

(c) By a suitable writ, order of direction, this Court be pleased to direct Respondent Nos.2 to 6 to ensure that no illegal or unauthorized construction is carried out in the open land of the suit property belonging to the Petitioners;

(d) Government may be directed to take suitable action against Respondent Nos.2 to 9 for inaction to remove illegal construction; and

(e) Any other just and equitable orders be passed in the interest of justice;

2. Though none appear for the Vasai-Virar Municipal Corporation or for the other Respondents, the Writ Petition is disposed of with a direction to the Municipal Corporation that if the subject construction is found to be unauthorized, the Corporation shall take appropriate steps by following the due process of law. The Writ Petition is accordingly disposed of.”

3. Today, the learned Advocate appearing for the Petitioner Society states that the order be reviewed since there is an order of stay passed by the City Civil Court. However, the order of City Civil Court, on the basis of which the Review Petition is filed is neither annexed to the Review Petition nor produced in Court. Even otherwise, by order dated 8th January, 2020, the Corporation is directed to take appropriate steps by following the due process of law. In view thereof, the question of

reviewing the order does not arise and the Review Petition is dismissed. A copy of this order be served on the Vasai Virar Municipal Corporation, by the Advocate for the Petitioner.

(B.P.COLABAWALLA, J.)

(S.J.KATHAWALLA, J.)