

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.1233 OF 2018**

Devendra Ramraksha Singh	...	Petitioner
versus		
Bhiwandi Nizampur City Municipal Corporation & Ors.	...	Respondents

Mr. Nikhil Patil i/by Mr. Prabhakar Manohar Jadhav, for Petitioner.
Ms. Sucheta Dattatray Ghaisas, for Respondent No.1.
Mr. Suhas Oka with Mr. Sameer Mhatre i/by Mr. Amol Mhatre, for Respondent No.5.

**CORAM: S.J. KATHAWALLA &
R.I.CHAGLA, JJ.**

DATE: 27th FEBRUARY, 2020

P.C.:

1. The above Writ Petition is filed for the following reliefs :

“(a) this Hon’ble Court may be pleased to issue directions to the Respondent No.2 to consider the Representation dated 01.01.2018 of the Petitioner addressed to the Respondent Nos.1 to 4 calling upon it to initiate appropriate action against the illegal and unauthorized construction of ground plus three floors at Narpoli, Survey No.98, House No.386/0, Vitthalnagar, Near Ammar Masjid, Narpoli, Bhiwandi, Respondent No.3, Municipal Councillor and thereafter, to take further action in accordance with law and in particular the provisions of the Maharashtra Municipal Corporations Act, 1949 and Maharashtra Regional and Town Planning Act, 1966 within four weeks or such time as may be fixed by this Hon’ble Court;

(b) this Hon’ble Court may be pleased to issue an appropriate writ, order or direction in the nature of mandamus and direct the Respondent Nos.1 to 4 to give effect to the demolition notice dated 09.05.2017 by demolishing the unauthorized and illegal construction

of ground plus three floors at Narpoli, Survey No.98, House No.386/0, Vitthalnagar, Near Ammar Masjid, Narpoli, Bhiwandi;”

2. The learned Advocate appearing for Respondent No.5 informed us that Respondent No.5 has filed a Suit being R.C.S.No.563 of 2017 before the Court of Civil Judge, Jr. Div., Bhiwandi, Dist. Thane, qua the suit property, in which an order dated 16th October, 2017 is passed by the 4th Joint Civil Judge, Jr. Div., Bhiwandi, directing the Corporation not to take any coercive steps against the suit property till 1st September, 2017. We are informed that thereafter, the said order is extended from time to time. We are also informed by the learned Advocate for the Corporation that the hearing with regard to Exhibit 5 i.e. the application seeking interim reliefs is concluded and the matter is kept for orders by the learned 4th Joint Civil Judge, Jr. Div. Bhiwandi, Thane. The learned 4th Joint Civil Judge, Jr. Div. Bhiwandi, Thane, shall endeavour to pass his order within a period of two weeks from today. The Corporation shall upon receipt of the order take appropriate steps/action if the orders are adverse to the Respondent No.5 and if the order is not stayed.

3. The Writ Petition is accordingly disposed of.

(R.I.CHAGLA, J.)

(S.J.KATHAWALLA, J.)