

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.4956 OF 2017

Jitendra Shivaji Patil	...Petitioner
Versus	
The State of Maharashtra	...Respondent

Mr. Saurabh Butala, Advocate for the Petitioner.

Ms. Sushma Bhende, AGP for the Respondent Nos.1 to 4/State.

Mr. B.B. Sharma, Advocate for the Respondent No.2.

CORAM : R.D.DHANUKA AND
SURENDRA P.TAVADE, JJ.

DATE : 11th MARCH, 2020.

P. C. :

1. By this petition filed under Article 226 of the Constitution of India, the petitioner seeks writ of mandamus, order or direction to direct the Respondent Nos.1 and 2 to initiate action of demolition of illegal construction carried out on the lands described in prayer clause (a) and (b) of the petition.

2. The Respondent No.2 has filed affidavit dated 09.03.2020 before this Court stating that the impugned structure is already regularized by the order dated 07.12.2017 and commencement certificate has been already issued. Statements made in the affidavit filed by the Respondent No.2 are accepted.

3. In our view, this writ petition inter alia praying for an order and

direction against the Respondent Nos.1 and 2 to demolish the impugned structure does not survive and accordingly dismissed as infructuous.

4. The petitioner would be at liberty to impugn the action on the part of the Respondent Nos.1 and 2 set out in the affidavit-in-reply dated 09.03.2020.

5. It is made clear that this Court has not expressed any views on the issue of locus standi of the petitioner in this matter. All issues including the issue of locus standi of the petitioner are kept open.

6. There shall be no order as to costs.

[SURENDRA P.TAVADE, J.]

[R.D.DHANUKA, J.]