

Ladda

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION No. 3164 of 2016

Gajanan Kashinath Patil & Ors ..Petitioners.

Vs

Durgamata Welfare Society & Ors ..Respondents.

Mr. P.B. Shah i/by Kayval Shah for the Petitioners.

Smt. S.D. Vyas “B” Panel Counsel for Respondent Nos. 3, 6, 7,8
and 9.

**CORAM : S.J. KATHAWALLA &
B. P. COLABAWALLA, JJ.
DATED :- 8th JANUARY, 2020.**

P.C. :-

1. The above Writ Petition is filed by the petitioners, inter alia, 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.

(B.P. COLABAWALLA, J.)

(S.J. KATHAWALLA, J.)