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

WRIT PETITION NO. 12040 OF 2019

Mr. Irfan Fazlur Rehman Khan

...Petitioner.

vs

The State of Maharashtra & Ors.

...Respondents

.....

Mr. Gautam J. Jain a/w Harshavardhan Khambete for the Petitioner

Mrs. M.P.Thakur AGP for Respondent No.1/State.

Mr. N.R.Bubna for Respondent Nos.2 to 7.

Mr. Raju D. Suryawanshi for Respondent No.8.

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

DATED 20th JANUARY , 2020.

P.C. :

1. The Petitioner has filed the above Writ Petition inter alia seeking the following relief :

“(a) *This Court be pleased to issue appropriate writ of mandamus, or a writ, order or direction in like nature or any other appropriate writ, order or direction, thereby directing the Respondent No.1 and 2 and/or its appropriate officers to forthwith demolish the unauthorised illegal construction of ground plus three storied building constructed by the Respondent No. 8 to 10 on a land bearing C.T.S. No. 2218 situated, lying being at Naigaon, Gaibinagar, Taluka Bhivandi, District Thane and within municipal limits the municipal corporation and comply its report to this Court;*”

2. On 25th November, 2019, this Court passed the following order:-

“1.All the parties agree that the application filed before the learned Civil Judge,

Junior Division, Bhiwandi in Suit No. 559 of 2017 shall be proceeded with on 11th December, 2019. The learned Civil Judge, Junior Division, Bhiwandi shall hear the advocates appearing in the matter on 11th December, 2019 and pass necessary orders on merits.

2. A copy of this order shall be produced before the learned Civil Judge, Junior Division, Bhiwandi on 5th December, 2019 at 11.00 a.m.

3. Stand over to 12th December, 2019.”

3. Accordingly, the Civil Judge, Junior Division, Bhiwandi has by his order dated 16/12/2019 disposed of the said Interim Application by rejecting the same.

4. In view thereof, the Municipal Corporation shall take appropriate action in the matter. If the Municipal Corporation needs any police protection, the same shall be provided by the local Police Station.

5. The Writ Petition is disposed of accordingly.

(B. P. COLABAWALLA, J.)

(S. J. KATHAWALLA, J.)