

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****WRIT PETITION (L) NO. 30886 OF 2019**

Mohammed Azam Shaikh ... Petitioner

Versus

The State of Maharashtra and others ... Respondents

.....

Mr. Mayur Vinod Faria for the Petitioner.

Mrs. M.P. Thakur, AGP for the Respondent-State.

Mr. Rajesh Patil alongwith Mr. Vinod Mahadik for the Respondent-MCGM.

Mr. J.P. Thakkar for Respondent No.6.

.....

CORAM : S.J. KATHAWALLA AND**R.I. CHAGLA, JJ.****DATED : MARCH 5, 2020.****P.C. :-**1. On 28th February, 2020, this Court passed the following order :-

"1. We are informed by the Petitioner as well as the Advocate for the Corporation that Mr. Mohammed Hanif Abbas Mansuri who is an Ex-Municipal Corporator, despite repeated demolitions by the Corporation with regard to the unauthorized extensions carried out by him, is in defiance, repeatedly reconstructing the same and extending the area of his flat. Mr. Mohammed Hanif Abbas Mansuri is therefore allowed to be joined as party Respondent No. 6 in the above Writ Petition and is directed to remain present by himself and through his advocate on the adjourned date i.e. 3rd March 2020.

2. Amendment to be carried out forthwith. Re-verification is dispensed with.

3. Copy of the Writ Petition along with a copy of this order shall be served on the newly added Respondent No. 6 Mr. Mohammed Hanif Abbas Mansuri by hand delivery.

4. *Stand over to 3rd March 2020 on the supplementary board.”*

2. Today, Ms. J.P. Thakkar appearing for Respondent No.6/Mr. Mohammed Hanif Abbas Mansuri, states that the unauthorized construction complained of is removed by Respondent No.6/Mr. Mohammed Hanif Abbas Mansuri. She undertakes that the said unauthorized construction shall not be put up/reconstructed ever again. The statement is accepted as an undertaking given to the Court. As far as the notice issued inter-alia to Respondent No.6 by the Corporation dated 3rd January, 2018 is concerned, the Corporation shall proceed as per the law and take appropriate action.

3. The Petitioner is granted liberty to move the Corporation by filing a representation calling upon the Corporation to take action against the unauthorized construction put up by Respondent No.6 as regards which the Corporation has already issued notice to the Respondent No.6. The Corporation shall upon receipt of the representation from the Petitioner forthwith act on the same. The above Writ Petition is accordingly disposed off.

(R.I. CHAGLA, J.)

(S.J. KATHAWALLA, J.)