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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION (L) NO.420 OF 2020

Sameer Madhukar Chavan

...Petitioner.

vs

Municipal Commissioner for Gr. Mumbai & Ors.

...Respondents

.....

Mrs Jyoti Chavan i/b Siddhi Bhosale for the Petitioner

Mrs. Vandana Mahadik a/w Sheetal Metkari for the Respondent/ M.C.G.M.

Mr. Abhishek Jadhav for Respondent No.9.

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

DATED 10TH February , 2020.

P.C. :

The Municipal Corporation, Greater Mumbai, passed an order dated 20th January, 2018 calling upon the owner/ occupier of the unauthorized structure constructed with gypsum board wall @ G.I.Sheet Roof admeasuring 30.0 x 4.3 mtrs at Ground Floor Level Between Kataria Niwas & Bhagirathi Sadan, Veer Sawarkar Marg, Mahim (W) Mumbai, Maharashtra 400 016 within 7 days from the date of receipt of the order. As usual, the owner/occupier immediately approached the City Civil Court, Mumbai and obtained an order restraining the Municipal Corporation from acting upon the said notice.

2. The Petitioner who is one of the owners of Bhagirath Sadan, filed Writ Petition No. 1171 of 2017 seeking directions against the Municipal

Corporation to demolish the illegal construction carried out by the owner/occupier i.e. Respondent No.4 therein and Respondent No.9 herein. This Court (Coram : A.S. Oka and Riyaz I. Chagla, JJ.) passed an order on 16th July, 2018 observing that, as and when the ad-interim order passed by the City Civil Court is vacated and there is no prohibitory order by any Court of Law preventing the Municipal Corporation from taking action on the basis of order dated 20th January, 2018, the Municipal Corporation is bound to take immediate steps to implement the order dated 20th January, 2018.

3. The Plaintiff has withdrawn the suit filed before the City Civil Court on 17th September, 2018 when the Advocate for the Municipal Corporation was present. The Municipal Corporation was, therefore, required to forthwith act on the order passed by this Court dated 16th July, 2018 and ought to have implemented its own order dated 20th January, 2018. However, the Municipal Corporation has till date not complied with the order passed by this Court dated 16th July, 2018.

4. In view thereof, the Municipal Corporation, Greater Mumbai is directed to comply with the order dated 16th July, 2018 by implementing its own order dated 20th January, 2018 within a period of 48 hours from now. The learned Advocate for Respondent No.9 has stated that Respondent No.9 has no objection if the order dated 16th July, 2018 is complied with within a period of 48 hours from now. The statement is accepted.

5 The Petitioner has also made grievance in the Writ Petition that

Respondent No.9 has carried out certain unauthorized structures in the said building named “Bhagirath Sadan”.

6 The Municipal Corporation shall forthwith consider the complaints of the Petitioner and pass necessary orders within two weeks from today in accordance with law. The Writ Petition is disposed of accordingly. However, this Petition shall be placed to report compliance after a period of three weeks from today.

7. Stand over to 2nd March, 2020.

(B. P. COLABAWALLA, J.)

(S. J. KATHAWALLA, J.)