

R.M. AMBERKAR
(Private Secretary)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O.O.C.J.

WRIT PETITION NO. 1204 OF 2019

Vinod Mahal & Jayant Villa Tenants
Association

.. Petitioner

Versus

The Mumbai Municipal Corporation & Ors. .. Respondents

-
- Mr. Surel Shah i/by Prashant Darandale for the Petitioner
 - Mr. A.Y. Sakhare, Sr. Advocate a/w Yamuna Parekh, Vandana Mahadik and Rupali Adate for MCGM
 - Mr. S.B. Gore, AGP for the State
 - Mr. Ashok Pandey a/w Sachin Pawar for Respondent Nos. 6 and 7 in WP 2072/2019 and for Respondent Nos. 5 and 6 in WP 1204/19
 - Mr. Sunil Tawade, Asst. Engineer, Building & Factory present.
 - Mr. Devendra Kumar Jain, Deputy Municipal Commissioner present.
-

**CORAM : S.J. KATHAWALLA, &
MILIND N. JADHAV, JJ.**

DATE : FEBRUARY 18, 2020.

P.C.:

1. The above Writ Petition is filed by the petitioner *inter alia* seeking following reliefs:-

"a. This Hon'ble Court be pleased to issue appropriate writ, order or directions to respondent Nos. 1 & 2 to forthwith take action to demolish the unauthorized construction carried out at the behest of respondent Nos. 4 to 6 on the suit premises consisting of

buildings, namely Vinod Mahal & Jayant Villa on Plot No. 211 & 212, C.S. Rane Marg, situated at Worli Naka, Mumbai which fall with the jurisdiction of the Mumbai Municipal Corporation;

- b. This Hon'ble Court be pleased to issue appropriate Writ, Order or directions to the Respondent Nos.1&2 to take action against the illegal occupants/encroachers over the Suit premises consisting buildings, namely, Vinod Mahal & Jayant Villa on Plot No.211 & 212, C. S Rane Marg, situated at Worli Naka, Mumbai.
- c. Pending the hearing and final disposal of the present Writ Petition this Hon'ble Court be pleased to appoint a Court Receiver, High Court, Mumbai or any other fit and proper person as a Receiver on the suit premises,namely, Vinod Mahal & Jayant Villa on Plot No.211 & 212, C. S Rane Marg, situated at Worli Naka, Mumbai;
- d. Pending the hearing and final disposal of the present Writ Petition this Hon'ble Court be pleased to issue an order of injunction thereby restraining the Respondent Nos. 4 to 6 and their agents, servants or anyone claiming through or under them from selling, transferring, alienating, mortgaging and/or creating any third-party rights and/or to induct anybody in respect of the suit building namely Vinod Mahal & Jayant Villa on Plot No. 211 & 212, C.S.Rane Marg situated at Worli Naka,Mumbai;
- e. For such other and further orders as this Hon'ble Court may deem fit and proper in the facts and

circumstances of the present case."

2. The Corporation is directed to inspect the premises and if any unauthorized construction is found, the Corporation shall take action by following due process of law.

3. The petition is disposed of accordingly.

[MILIND N. JADHAV, J.]

[S.J. KATHAWALLA, J.]