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

WRIT PETITION NO. 2288 OF 2018

Prashant Prakash Shah & Ors.

...Petitioners.

vs

The Municipal Corporation of Gr. Mumbai & Ors.

...Respondents

.....

Mr. Rakesh Agrawal a/w Anand Singh and Neil Chettiar for the Petitioners

Mr. A.Y.Sakhare, Sr. Advocate a/w Rupali Adhate and Yamuna Parekh for the
Respondent/State.

Mr. R.M.Haridas i/b Neel Gala for Respondent No.8.

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

DATED 30TH JANUARY , 2020.

P.C. :

The above Writ Petition is filed by the Petitioners on 17th April, 2018

seeking following reliefs:-

“(a) *This Court be pleased to call for the Records of the Respondent Nos.1 to 7 authorities and after examine the legality and propriety of the various contentions raised by the Petitioners,including inaction on the part of Respondent Nos.1 to 7, this Court be pleased to issue writ of mandamus or writ in the nature of mandamus directing Respondent Nos.1 to 6 to:-*

- (i) *Visit the subject plot and building made thereon and cross verify the contents of the complaint dated 05.10.2017 made by the Petitioners through their advocate;*
- (ii) *Submit report accordingly to this Court within stipulated period of time that may be determined by this Court and;*
- (iii) *Take action against the Respondent Nos. 8, 9 to 16 including to demolish the various illegal constructions and take action against unauthorized occupation as pointed out in the petition by following due process of law including to*

demolish the various illegal constructions and unauthorized occupation.

- (b) This Court be pleased to direct Respondent No.6 to take necessary steps against Respondent Nos.8 to 10 to remove all the obstructions (including access from the flat No.A/1401 and A/1402) from the refuse area and see that the refuse area shall not be enclosed and shall have access from the common area.*
- (c) This Court be pleased to direct Respondent Nos.1 to 7 to prosecute Respondent No.8 for violation of mandatory terms and conditions of the IOD, sanction plan and Development Control Regulation, 1991.”*

2 The learned Senior Advocate appearing for the Municipal Corporation states that the Municipal Corporation had issued a notice to Respondent No.8 on 3rd June, 2018 with regard to the unauthorized constructions carried out by the Respondent No.8. A speaking order dated 30th December, 2019, was admittedly served by the Municipal Corporation on 31st December, 2019. By the said order, Respondent No.8 was called upon to remove the unauthorized construction within 15 days from the date of receipt of the said order, failing which the Corporation would proceed to demolish the unauthorized construction and also initiate criminal proceedings under Section 53(7) of the Maharashtra Regional and Town Planning Act, 1966. Respondent No.8 admittedly failed to comply with the directions issued by the said order dated 30th December, 2019 and has also not challenged the same till date. The learned Senior Advocate for the Municipal Corporation states that the Municipal Corporation shall forthwith take action of demolition as per the speaking order dated 30th December, 2018. The statement is accepted. In

view thereof, no further orders are passed in the Writ Petition. The Petitioners may take out appropriate proceedings for any other reliefs which are not granted herein. The Writ Petition is disposed of accordingly.

(B. P. COLABAWALLA, J.)

(S. J. KATHAWALLA, J.)