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

WRIT PETITION NO. 2273 OF 2018

Dilip Babulal Shah

...Petitioner.

vs

Municipal Corporation of Gr. Mumbai & Ors.

...Respondents

.....

Mr. Rakesh Agrawal for the Petitioner

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

Mr. Kiran R. Dhas Asstt. Engineer (I/c) Building Department "B" Ward present.

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**CORAM : S. J. KATHAWALLA &
B. P. COLABAWALLA, JJ.
DATED 22ND JANUARY , 2020.**

P.C. :

1. We have perused the order dated 13th January, 2020 passed by this Court. After the said order was passed the learned Advocate Mrs. Shilpa Gajare has prepared an affidavit dated 17th January, 2020 which is tendered in Court. In the said affidavit she has in detail set out the steps taken by the Municipal Corporation with regard to the unauthorized construction carried out under the guise of repairs with regard to Vazira Mansion, TPS-I Mandvi Division, 244, Narsi Natha Street, Bhat Bazar, Mumbai 400 009. She has also explained in the affidavit how the steps taken by the Municipal Corporation to demolish the unauthorized construction came to a standstill in view of the orders of status-quo obtained by five of the Petitioners by filing five Notices of Motion in City Civil Court, Mumbai. It

is also mentioned that the five Notices of Motion have now been dismissed.

2 In view thereof the learned Advocate appearing for the Municipal Corporation, on instructions from Kiran R. Dhas, Asstt. Engineer, “B” Ward who is present in Court, undertakes that the Municipal Corporation shall forthwith proceed to take action against the unauthorized construction. The undertaking is accepted.

3. We record our appreciation with regard to the work put in by Advocate Mrs. Shilpa Gajare and assisting us in the matter which has enabled us to pass appropriate orders in the matter after 13th January, 2020. In the event of the stay granted in the Notices of Motion by City Civil Court, Mumbai not being extended further, the Municipal Corporation shall forthwith proceed to demolish the unauthorized construction.

4. The above Writ Petition is accordingly disposed of.

5. A copy of this order shall be forwarded to the Municipal Corporation, Greater Mumbai by hand delivery by the office of the Prothonotary and Senior Master of this Court.

(B. P. COLABAWALLA, J.)

(S. J. KATHAWALLA, J.)