

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO.2849 OF 2018**

John Anthony Carlos .. Petitioner
v/s.
The State of Maharashtra . ..Respondents

WITH
NOTICE OF MOTION NO. 360 OF 2018.
IN
WRIT PETITION NO. 2849 OF 2018

Jagdish Ramchandra Katale ..Applicant

In the matter between

John Anthony Carlos .. Petitioner
v/s.
The State of Maharashtra . ..Respondents

Mr. Atul Damle, Sr. Advocate a/w. Mr. Satyadev Joshi i/b. Devendra Singh for the Petitioner.
Mr. Milind More, Addl. AGP for the State.
Ms. Vandana Mahadik i/b. Aruna Savla for MCGM.
Mr. Sagar Batavia a/w. Mr.A.N.Giri for the Applicant in NMS/360/2018.

**CORAM : S.J. KATHAWALLA &
SMT. ANUJA PRABHUDESSAI, JJ.**

DATED : 3rd NOVEMBER, 2020.

P.C. :

1. On 26th June, 2018 this Court (Coram A.S.Oka,(as he then was) and A.S.Chagla, JJ.) had passed the following order:

“(1) Not on Board. Taken on Board.

(2) Place the Petition on 1st August, 2018. We direct the designated officer of the concerned ward

or any officer nominated by him to visit the site subject matter of the petition with a view to ascertain whether any illegal construction is being carried out. If he finds that illegal construction is being carried out, he shall take immediate steps in accordance with law for stopping illegal construction. Compliance affidavit to be filed on or before returnable date.”

2. Since the Petition was kept pending, the Petitioner has now moved the Court by filing an additional affidavit alleging that the Corporation has not complied with the Order dated 26th June, 2018. On an earlier occasion we were informed by the Advocate appearing for the Corporation that the order dated 26th June, 2018 is not complied with because the occupants of the illegal structures have filed an appeal before the Addl. Commissioner impugning the Orders passed by the Assistant Commissioner dated 7th July, 2018. However, today we are informed that all the said appeals have been dismissed by an Order dated 2nd November, 2020 and the Corporation has already commenced demolition of the illegal/unauthorized structures. The statement is accepted.

3. The above Writ Petition is disposed of. Consequently, the Notice of Motion also stands disposed of.

4. This order will be digitally signed by the Private Secretary/Personal Assistant of this Court. All concerned will act on production, by Fax or E-Mail, of a digitally signed copy of this order.

(ANUJA PRABHUDESSAI, J.)

(S. J. KATHAWALLA, J.)

Prasanna
P.
Salgaonkar

Digitally signed by
Prasanna P.
Salgaonkar
Date: 2020.11.06
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