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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 2837 of 2019

Joana Rose Philomena Miranda and ors ..Petitioners.

Vs

The State of Maharashtra & Ors ..Respondents.

Mr. Gaurav Sharma i/by A.M. Kulkarni, Advocate for the Petitioners.

Mr. Akshay Shinde for MMRDA.

Mr. Hemant Haryan AGP for the State.

Mr. Sumit Kulkarni, Planners (T & CP Division) MMRDA present.

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

DATED 13TH FEBURARY , 2020.

P.C. :

1. By the above Petition, the Petitioners are seeking the following reliefs :-

“In the foregoing facts and circumstances of the case, the Petitioners, therefore pray that this Court may be pleased to issue a Writ of Mandamus or Directions in the nature of Writ of Mandamus:-

A) Directing the Mumbai Metropolitan Region Development Authority to immediately act upon its notices dated 24.8.2016 issued under Sections 53 (1) and notice dated 26.9.2016 under Section 136 (c) of the MRTP Act, 1966 (Exh.M & R) forthwith;

B) Directing the respondents to immediately act upon the complaints and/or correspondence addressed to them by the Petitioners from time to time in a time bound manner, preferably within 30 days.

C) Directing the Commissioner of Police, Mumbai as also its concerned subordinate offices to immediately act upon the complaints of the Petitioners and take appropriate action against the unlawful encroachers (who have been in trespass of the land owned by the Petitioners since 2015) under the relevant provisions of law and further to protect the Petitioners by supervising the fencing of the said land after eviction of the unlawful encroachers;

D) Directing the City Survey Office, Andheri as also its subordinate offices to immediately act on the application of the Petitioners and demarcate and number the land owned by the Petitioners; and

E) Imposing heavy costs on the Respondents on account of inaction, casual and dormant approach in respect of the several complaints and correspondences of the Petitioners which resulted in severe prejudice and loss suffered to the Petitioners.”

2. The learned Advocate for the MMRDA states that notice dated 24th August, 2016 issued under Section 53 (1) and the notice dated 26th September, 2016 issued under Section 136 (C) of the M.R.T.P. Act, 1966 were cancelled and a fresh notice dated 22nd December, 2017 was issued to the occupiers; the Corporation shall act on the notice and demolish the said structures within a period of one week from today; the demolition work will commence from 14th February, 2020. The statements are accepted. The learned Advocate for MMRDA has requested that the local Police be directed to provide assistance/protection to the demolition squad. The Senior Inspector of Local Police Station shall provide adequate police protection to the demolition squad of MMRDA for carrying

out the demolition work from 14th February, 2020 until 21st February, 2020 on day to day basis. The above Petition is accordingly disposed off. However, place the Petition on board for reporting compliance on 24th February, 2020.

3. The learned Counsel for the Petitioner seek liberty to take out appropriate proceedings seeking reliefs which are not pressed before this Court. Liberty as sought is granted.

4. All concerned to act on an ordinary copy of this order duly authenticated by the Associate of this Court.

(B. P. COLABAWALLA, J.) (S. J. KATHAWALLA, J.)