

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.5783 OF 2021**

Ganpati Subrao Patil	...	Petitioner
<i>Versus</i>		
The Chief Officer, Palus Municipal Council and Anr.	...	Respondents

Mr. Mahindra Deshmukh, for Petitioner.

Mr. Aditya Desai, for Respondent No.1.

Ms. N.A.Shinde with Mr. Amol S. Suryawanshi, for Respondent No.2.

Mrs. S.D.Vyas, 'B' Panel Counsel, for State.

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

DATE : 23rd SEPTEMBER, 2021

P.C. :

1. By the above Writ Petition, the Petitioner interalia seeks the following reliefs :

“(a) That this Hon’ble Court may be pleased to issue a writ of mandamus and/or writ in the nature of mandamus, thereby directing to the Respondent No.1 to take action forthwith pursuant to the notice dated 20/11/2020 annexed at Exhibit – F of the present Writ Petition;

(b) That this Hon’ble Court may be pleased to issue a writ of mandamus and/or writ in the nature of mandamus, thereby directing to the Respondent Nos.1 and 2 to stop the illegal construction being carried out in Plot No.63 at Palus, Tal. Palus, Dist. Sangli;

(c) That this Hon’ble Court may be pleased to issue a writ of mandamus and/or writ in the nature of mandamus thereby directing to the Respondent Nos.1 and 2 to demolish the illegal construction carried out in Plot No.63, at Palus, Tal. Palus, Dist. Sangli;”

2. The learned Advocate appearing for the Palus Municipal Council states that pursuant to the Notice dated 20/11/2020 issued by the Chief Officer, Palus Municipal Council, the Respondent No.2 had informed the Council that he will demolish the construction which is illegal / unauthorized by June, 2021. The learned Advocate for the Respondent No.2 states that they have demolished the illegal construction. The learned Advocate for the Petitioner disputes the same. In view thereof, the Respondent No.1 Council shall ascertain whether the construction put up by the Respondent No.2 is as per the sanctioned plan. If the same is not found to be in consonance with the sanctioned plan, the Respondent No.1 Corporation shall forthwith proceed to demolish the illegal / unauthorized portion of the impugned structure.

3. The Writ Petition is accordingly disposed of.

(MILIND N. JADHAV, J.)

(S.J.KATHAWALLA, J.)