

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1121 OF 2021

Chandrabhansing Thakur
V/S
Municipal Commissioner,
Kalyan Dombivali Municipal
Corporation & Ors.

....Petitioner

....Respondents

...

Dr. Pawan K. Pandey i/b Dr. Pawan K Pandey & Associates for the
Petitioner.

Mr. Sandeep Shinde for Respondent Nos.1 and 2.

...

**CORAM : A.A. SAYED &
S.G. DIGE, JJ.**

DATE : 18 NOVEMBER 2021.

P.C.:

1 The Petitioner has filed this Petition essentially to take action of eviction of occupants in the two buildings which are illegally constructed on the subject property and to demolish the said buildings in the property bearing Survey No.67 of village Nandivali, Panchayat Samiti Kalyan, taluka Kalyan within the jurisdiction of 10(E) Ward of the Respondent-Corporation and also to take action against the Respondent-Corporation Officers on the Complaint of the Petitioner. The Petitioner claims to be the co-owner of the said property. According to the Petitioner he has been denied his share in the said property.

2 Learned Counsel for the Respondent-Corporation states that the action has already been taken by the Respondent – Corporation and notices have been issued under sections 260 and 267 of the Maharashtra Municipal Corporation Act and thereafter an order has been passed on 14 January 2019 by the Respondent Corporation for demolition of the said buildings and an FIR has been lodged on 31 January 2020 against those whose name appear on the property card and the proceedings shall be taken to their logical conclusion.

3 Prima facie, we find that the Petition has been filed for extraneous reasons. In any event, accepting the statement of learned Counsel for the Respondent-Corporation that the order passed by the Respondent-Corporation and the FIR filed by the Respondent Corporation shall be taken to their logical conclusion, we dispose of the Petition.

(S.G. DIGE, J.)

(A.A. SAYED, J.)

katkam

SUDARSHAN
RAJALINGAM
KATKAM
Digitally signed
by SUDARSHAN
RAJALINGAM
KATKAM
Date: 2021.11.23
11:17:47 +0530