

S.S.Kilaje

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 3596 OF 2021

Shaini Cheriyan Devid Roy

.. Petitioner

Versus

State of Maharashtra & Ors.

.. Respondents

-
- Mr. Sumant R. Deshpande for the Petitioner
 - Mr. Rajan S. Pawar, AGP for the State
 - Ms. Shakuntala Wadekar for Respondent No.2
 - Mr. P.M.Khankar a/w. G.S.Newale for Respondent Nos. 4 to 7
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**CORAM : S. J. KATHAWALLA &
MILIND N. JADHAV, JJ.**

DATE : AUGUST 03, 2021.

P.C.:

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

"(a) that this Hon'ble Court may be pleased to exercise its power under Article 226 of the Constitution of India and may be pleased to issue Writ in the nature of Mandamus to the Respondent No.2 directing him to demolish the illegal and unauthorized construction in the CTS No. 865 at Chakan, Taluka-Khed and District - Pune by the Respondent No.4 and the Respondent No.5.

(b) Pending the hearing and final disposal of the present Civil Writ Petition this Hon'ble Court may be pleased to issue directions to the Respondent No.2 to stop the said unauthorized construction forthwith.

(c) Ad-interim relief in terms of prayer clause (b).

(d) for such other and further reliefs as the nature and circumstances of the case may require."

2. Petitioner admits that pursuant to the representation made by the Petitioner, Chakan Municipal Council has already issued a notice u/s. 52, 53 of the Maharashtra Regional & Town Planning Act, 1966 on 04.06.2021

calling upon the Respondents to produce the required documents. However without giving an opportunity to the Corporation to take steps in accordance with law, the Petitioner has filed the above Petition on 20.07.2021 seeking directions against the Corporation to demolish the alleged illegal and unauthorized construction. We are not inclined to pass the order of demolition as sought since the Chakan Municipal Council has already initiated proceedings pursuant to the representation received from the Petitioner. Needless to add that the Chakan Municipal Council shall take action by following due process of law.

3. All contentions of the parties are kept open.

4. The Writ Petition is disposed off.

[MILIND N. JADHAV, J.]

[S. J. KATHAWALLA, J.]