

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

WRIT PETITION NO.2270 OF 2018

Om Adishwar Co-op. Hsg. Soc. Ltd. ...Petitioner
V/s.
State of Maharashtra & Ors. ...Respondents

Mr. Manish N. Jain a/w S. M. Jain i/b S. M. Jain & Associates for the
Petitioner.

Ms. Swati Sagvekar for Respondent Nos.2 & 3.

Mr. Abbas Zaidy i/b Zohair & Co. for Respondent No.4.

Mr. A. I. Patel, Addl.G.P. for the Respondent-State.

**CORAM : A. A. SAYED &
ABHAY AHUJA, JJ**

DATED : 16th DECEMBER, 2021

P.C.:

The Petition is filed by the Petitioner-Society alleging unauthorized construction of the temple admeasuring 170 (carpet) sq.ft. by the Respondent No. 4 & 5.

2. Affidavit-in-Reply is filed on behalf of the Respondent-Corporation and the copy of the same has been handed over to learned Counsel for the Respondent No. 4.

3. In the Affidavit-in-Reply the Respondent-Corporation has annexed the notice dated 08.03.2021 issued to the Respondent No. 4 (which according to the Respondent-Corporation was refused to be accepted by the Respondent No. 4) under section 53 of the MRTP

Act.

3. We record the statement of learned Counsel for the Respondent No. 4, that the Respondent No. 4 through its authorized person shall appear before the Competent Authority of the Respondent-Corporation who has issued notice dated 08.03.2021 on 23rd December, 2021 at 11.00 AM alongwith its Reply to the Notice dated 08.03.2021. The Competent Authority shall, after hearing the Respondent No. 4, pass appropriate orders on the Notice dated 08.03.2021 expeditiously and in any event within a period of 6 weeks from 23rd December, 2021.

4. We accept the statement made in the said Affidavit-in-Reply of the Respondent-Corporation as an undertaking to the Court, that the Respondent-Corporation shall take action against the illegal construction. Such action shall be taken if it is found by the Competent Authority that the construction of the temple is illegal and unauthorised. In the event the Respondent-Corporation has any apprehension of law and order situation, it is always open for it to seek appropriate police protection. The concerned police station shall cooperate in that regard.

5. The Petition to stand disposed of in the aforesaid terms.

(ABHAY AHUJA, J.)

(A. A. SAYED, J.)