

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

WRIT PETITION NO.8469 OF 2019

Shrirang Baburao Watkar

... Petitioner

Vs.

The State of Maharashtra, Thr. Principal
Secretary & Ors.

... Respondents

Mr. Vaibhav Ugle for the Petitioner.

R.A. Salunkhe, AGP for the State.

Mr. Deepak R. More a/w Mr. Shivram A. Gawade for Respondent No.2.

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

DATE : 6TH DECEMBER 2021

P.C. :

1. This Petition has been filed by the Petitioner seeking directions against Respondent No.2-Corporation to take action to demolish unauthorised constructions made by Respondents No.3 to 5 pursuant to Notice dated 24th April, 2017 of the Respondent No.2-Corporation.

2. In the Affidavit-in-Reply filed by the Respondent-Corporation, it is stated that the Respondent-Corporation would remove the

unauthorised constructions raised by Respondents No.3 to 5 as per its turn. The learned Counsel for Respondent-Corporation has pointed out copy of the Affidavit filed by the Respondent-Corporation dated 10th December, 2015 in PIL No.207 of 2010 (Mrs. Jayashree Suresh Dange Vs. The Member Secretary, Maharashtra Pollution Control Board, Mumbai & Anr.), wherein in compliance of the order dated 28th October, 2015 passed in the PIL, the priorities for action of demolition have been set out in paragraph 3.

3. It is an admitted position that the alleged unauthorised constructions are on the private property of the Petitioner and the Respondents No.3 and 4 are the nephew of the Petitioner and Respondent No.5 is the brother in law of Respondents No.3 and 4.

4. Having regard to the facts and circumstances of the case and the averments made in the Affidavit-in-Reply by the Respondent-Corporation, we are not inclined to issue any directions in the Petition. We accept the statement of the Respondent-Corporation that the illegal/unauthorised constructions shall be proceeded against as per its turn.

5. In the meanwhile, since the illegal and unauthorised structures are in the private property of the Petitioner, it is expected of the Petitioner to adopt his own proceedings against the Respondents No.3 to 5 in accordance with the law.

6. The Writ Petition to stand disposed of in the aforesaid terms.

(ABHAY AHUJA, J.)

(A.A. SAYED, J.)

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