

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.4217 OF 2021

Santosh Balasaheb Deshmukh
V/S
The State of Maharashtra & Ors.

....Petitioner
....Respondents

...

Mr. Raju D. Suryawanshi for the Petitioner.
Mr. A.I. Patel, Additional GP a/w Ms. Kavita N. Solunke, AGP for
Respondent Nos.1 and 2-State.
Mr. N.R. Bubna for Respondent Nos.3 and 4-BNCCMC.

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**CORAM : A.A. SAYED &
ABHAY AHUJA, JJ.**
DATE : 22 FEBRUARY 2022.

P.C.:

1 In the Affidavit-in-Reply filed by Mr. Faisal Abdul Qayyum Tatli, Ward Officer of Ward No.2 on behalf of the Respondent-Corporation, in paragraphs 2 and 3, it is stated as follows:

“2 I say that prayer (a) for sending reference under section 12 of Maharashtra Municipal Corporation Act for disqualification of Respondent No.5, does not survive in as much as said reference has already been sent and is registered as Reference Application No.92 of 2022.

3 I say that as regards prayer for demolition of unauthorised structure called Mohmadi Apartment bearing House No.2001/1 is

concerned, it was noted by municipal officers that though the concerned structure Mohmadi Apartment is unauthorized, the same bears House No.311 and not House No.2001/1. I say that in the circumstances fresh notice was issued to concerned structure on 20/10/2021 and after granting opportunity of hearing, demolition order was passed on 13/12/2021. I say that before said order could be implemented, occupants of structure filed R.C.S. No.272/2019 in Civil Court, Bhiwandi. I say that by order dated 03/03/2020, Ld. CJJD, Bhiwandi directed to maintain status quo in the matter. I say that respondent corporation is trying for expeditious hearing of the application Exh.5 in R.C.S. No.272/2019 I say that ad-interim orders are in force till today. I say that further action will be taken in respect of concerned structure, in accordance with orders to be passed by civil court.”

2 In view of the above, the main prayers in the Petition are worked out. We accept the statements made in aforequoted paragraph 3 of the Affidavit-in-Reply as an Undertaking to the Court.

3 With the aforesaid directions, the Writ Petition is disposed of.

(ABHAY AHUJA, J.)

(A.A. SAYED, J.)

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