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

WRIT PETITION NO. 6156 OF 2021

Rajanikant Pandurang Mayekar

..... Petitioner

Vs.

The Mira Bhayander
Municipal Corporation & Ors.

..... Respondents

Ms. Sweta Jain I/b. S. M. Jain Associates for the Petitioner
Mr. N. R. Bubna for Respondent No.1
Mr. A. I. Patel, Addl.GP a/w. Mrs. R. A. Salunkhe, AGP for
Respondent Nos.4

**CORAM: S.V.GANGAPURWALA &
ARIF S. DOCTOR, JJ.**

DATED : NOVEMBER 23, 2022

P.C.

1 We have heard the learned Counsel for the Petitioner and the
learned Counsel for the Corporation.

2 The learned Counsel for the Petitioner contends that
Respondent Nos.5 to 7 are unauthorisedly and illegally carrying out
the alterations in the structure. The Petitioner is owner of the said
property. Without authority, Respondent Nos.5 to 7 are carrying out
unauthorised alteration. The Corporation has also issued notice to
Respondent Nos.5 to 7 but the Corporation is not taking further
steps in the matter.

3 The learned Counsel for the Corporation submits that two suits are pending. One filed by the Petitioner against Respondent Nos.5 to 7 and another filed by Respondent Nos.5 to 7 against the Petitioner. The suit filed by Respondent Nos.5 to 7 against the Petitioner is dismissed for non prosecution and the suit filed by the Petitioner is at the final stage.

4 Be that as it may, the dispute, it appears that, is about the private property and some activity is being done on the private property. The dispute about the title and ownership is pending before the Civil Court between the Petitioner and Respondent Nos.5 to 7.

5 The parties, certainly would be bound by the judgment of the Civil Court. The Corporation also is required to take steps in accordance with law with regard to the unauthorised structure.

6 In the present matter, as the dispute appears to be between the private parties i.e. the Petitioner and Respondent Nos.5 to 7, we are not passing any orders.

7 The Writ Petition, as such, is disposed of. No costs.

(ARIF S. DOCTOR,J.)

(S.V. GANGAPURWALA, J.)