

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

WRIT PETITION NO. 14861 OF 2022

Ikhlaq I. Modak .. Petitioner.
v/s.
Mira Bhayender Municipal
Corporation & Others .. Respondents.

Mr. Dileep Satale with Mr. Santosh B. Sitap, for the Petitioner.
Mr. N. R. Bubna, for Respondent No.1- Corporation.
Mrs. M. S. Srivastava, AGP for Respondent No.4-State.

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**CORAM: S.V. GANGAPURWALA &
S.G.CHAPALGAONKAR,JJ.
DATED : 8th DECEMBER, 2022.**

PC:-

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

2 The Petitioner alleges unauthorized construction. The Petitioner appears to be a member of the Rose Co-operative Housing Society Ltd. The said Society has already filed a Civil Suit bearing RCS No.196 of 2021. The same is pending before the Civil Court. Some interim orders are passed in the Civil Suit.

3 In the present Writ Petition, the Petitioner seeks permission to implement and/or execute the order wherein the Corporation has directed removal of all unauthorized structure.

4 The Petitioner is a member of the said Society and the society has already filed a Civil Suit which is pending before the Civil Court. The

Petitioner may raise all the pleas and seek reliefs as may be permissible in the said Civil Suit.

5 Moreover, the person against whom it is alleged that the illegal construction, is not a party to the Petition.

6 The Corporation if is prohibited from taking adverse action by the Civil Court, is required to abide by the orders of the Civil Court. However, if it has already issued notice for demolition of unauthorized structure and the Civil Court does not grant any protection, then it is for the Petitioner to take necessary steps against the unauthorized construction.

7 Writ Petition is disposed of. No costs.

(S.G.CHAPALGAONKAR,J.)

(S.V.GANGAPURWALA,J.)