

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

WRIT PETITION NO.7863 OF 2022

Hasan Khan Sardar Khan, Through
it's Constitute attorney Mr. Aslam Hasan Khan
& Anr.

... Petitioners

Vs.

State of Maharashtra & Ors.

... Respondents

Mr. B. B. Tiwari a/w Mr. Azimuddin Kazi and Mr. Rizwan Khan i/by N. N.
Kazi & Associates for the Petitioners.

Mrs. R. A. Salunkhe, AGP for Respondent No.1-State.

Mr. Anand Kulkarni for Respondent No.2-Corporation.

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

DATED : 28TH NOVEMBER 2022

PC. :

1. We have heard the learned Advocate for the Petitioners.

2. The learned Advocate for the Petitioners submits that on the
land of the Petitioners, unauthorised construction has been carried out by
some persons, the complaint has been filed with the Corporation, but the
cognizance has not been taken out.

3. The learned Counsel for the Respondent-Corporation, on instructions, submits that after the complaint was received, the Respondent-Corporation has conducted the survey and has confirmed about the unauthorised construction. Notices under Sections 260 and 267 of the Maharashtra Municipal Corporation Act, 1949 have been issued and further steps are being undertaken by the Corporation.

4. Under the present Writ Petition, we will not be dealing with the aspect of possession and ownership of the land. The dispute can only be decided by the Civil Court. The learned Counsel for the Respondent-Corporation has submitted that the survey has been conducted and the action has been initiated by issuing notice under Sections 260 and 267 of the Maharashtra Municipal Corporation Act, 1949, therefore, no further order is necessary.

5. The Writ Petition is disposed of accordingly. No costs.

(ARIF S. DOCTOR, J.)

(S.V. GANGAPURWALA, J.)