

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.4253 OF 2023
IN
WRIT PETITION NO.6163 OF 2021

Raakesh Rajendrakumar Agarwaal ... Applicant.
Vs.
State of Maharashtra & Ors. ... Respondents.

.....

Mr Kishor Patil, a/w Mr. Sameer P. Mhatre for applicant.
Mr A.A.Alaspurkar, AGP for State/Respondents no.1, 3 and 4.
Ms A.R.S. Baxi for respondent No.5,
Ms Swati Sagvekar for respondent no.2.

CORAM: G.S.KULKARNI &
R.N.LADDHA, JJ.

DATE : 4th May, 2023.

P.C. :-

We are of the opinion that this application as also the writ petition need not be kept pending and needs to be disposed of.

2. The Municipal Corporation has already issued notices in pursuance of the orders dated 5.12.2022, passed by the coordinate Bench of this Court [Coram: S.V.Gangapurwala & S.G.

Chapalgaonkar, JJ.]. The parties are called for hearing by the Designated Officer of the Municipal Corporation on 10th May 2023 to verify as whether the construction is unauthorized.

3. Let the Designated Officer of the Municipal Corporation hear the parties and pass appropriate orders.

4. In the event the decision of the Designated Officer is to the effect that the construction is unauthorised, the Municipal Corporation shall take appropriate action as per law, against the unauthorised construction, within 15 days of the orders being passed.

5. All contentions of parties are expressly kept open.

6. The Designated Officer of the Municipal Corporation is directed to conclude the hearing on 10th May, 2023.

7. It is clarified that, notwithstanding the decision of the Designated Officer in respect of any private rights, the parties always have a remedy to file a civil suit.

[R.N.LADDHA, J.]

[G.S.KULKARNI, J.]

Chitra Sonawane.

Page No. 2 of 2

4 May 2023.