

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 9145 OF 2022

Jayant Maniklal Lunawat

... Petitioner

Versus

Deepak Dada Ranaware & Ors.

... Respondents

Mr. Gautam Ankhad a/w. Mr. Bhede i/b. M/s. Purnanand & Co. for the petitioner.

Mr. Akshay Hardas i/b. Mr. S.S. Patwardhan for respondent no. 3.

Mr. A.A. Alaspurkar, AGP for the State/respondent nos. 10 & 11.

CORAM: G. S. KULKARNI
& R.N. LADDHA, JJ.
DATED: 13 April, 2023

P.C.

1. Heard Mr. Ankhad, learned counsel for the petitioner, Mr. Hardas, learned counsel for respondent no. 3 and Mr. Alaspurkar, learned AGP for the State.

2. This petition is filed praying for the following reliefs:

"a) This Hon'ble Court issue a writ of mandamus or any other Writ order or direction, directing respondent nos. 7 to 9 to forthwith act on the petitioner's complaint 26th February, 2019 and 26th March, 2019 being Exhibit "F" hereto and demolish the unauthorized structures of the establishments named and styled as Kokfa Chinese Restaurant and Alishan Sofa Maker Establishments and three rooms constructed by respondent nos. 1 to 6 on the portion of the said land being Survey No. 3/1 admeasuring 1H and 24 R situated at Village Baner, Taluka Haveli, District Pune.

b) This Hon'ble Court issue a writ of mandamus to the respondent no. 10 the Police Commissioner Pune and the respondent no. 11 State Government to provide police protection and police personal/assistance to the respondent nos. 7 to 9 to initiate action of demolition of the

unauthorized structures of the establishments named and styled as Kokfa Chinese Restaurant and Alishan Sofa Maker Establishments respectively.

c) Pending hearing and final disposal of this Writ Petition, the Restaurant establishment named and styled as Kokfa Chinese Restaurant and the shop named and styled as Alishan Sofa Maker Establishments and three rooms respectively constructed by the respondent nos. 1 to 6 on the portion of the said land being Survey no. 3/1 admeasuring 1H and 24R situated at Village Baner, Taluka Haveli, District Pune situated on the said land be directed to be sealed by respondent no. 7 to 9.

d) Ad-interim relief in terms of prayer clause (c)."

3. After hearing learned counsel for the parties, it appears to us that there are disputes between the petitioner and private parties. We need not dwell on such issues, which are also subject matter of pending proceedings before the Civil Court.

4. Be that as it may, the petitioner has brought to our notice that a complaint has been made to the Corporation in respect of illegal construction by respondent nos. 1 to 6. It is for the Municipal Corporation to look into this aspect of the matter and after examining the same, if the need so arises, take appropriate action as may be permissible in law. Let the complaint of the petitioner be accordingly taken up and decided within a period of four weeks from today. All contentions of the parties are expressly kept open.

5. Disposed of. No costs.

(R.N. LADDHA, J.)

(G. S. KULKARNI, J.)