

Ashwini

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 8441 OF 2023**

Seema Dattatray Patil & Anr ...Petitioners

Versus

The State of Maharashtra & Ors ...Respondents

Mr Pawan Kumar Tiwari, i/b Shantanu Kalekar, for the Petitioners.

Ms MP Thakur, AGP, for the Respondent-State.

**Mr Kush M Lahankar, i/b Rahul Walwekar, for Respondents Nos. 6
& 7.**

Mr Abhijit Adgule (through VC), for Respondents Nos. 3 to 5.

**CORAM: M.S. Sonak &
 Kamal Khata, JJ**

DATED: 6th September 2024

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PC:-

1. Heard learned Counsel for the parties.
2. The Petitioner claims to be owner of the structure states that the Kolhapur Municipal Corporation ("KMC") has issued a notice dated 13th December 2021 under Section 264 of the Mumbai Municipal Corporation Act, 1888. The complaint in the Petition is that after issuing such notice, the Corporation is not taking any steps to execute the same.
3. The learned Counsel for the Corporation states that this notice will be executed and taken to its logical conclusion within

four weeks from today, i.e., on or before 4th October 2024 unless, is no legal impediment for doing so.

4. Learned Counsel for the Corporation points out that there were some several disputes between the Petitioner and Respondents Nos. 6 and 7. However, he admits that there is no injunction restraining the Corporation from enforcing its notice dated 13th December 2021. Even learned Counsel for the Respondents Nos. 6 and 7 is not in a position to make any statement as to whether Respondents he represents have challenge the notice dated 13th December 2021.

5. In the above circumstances, we accept the statement made by learned Counsel for the Corporation and direct the Corporation to act accordingly. There shall be no order for costs.

6. This Petition is disposed of by accepting the above statement and directing the Corporation to execute and take the order/notice dated 13th December 2021 to its logical conclusion.

(Kamal Khata, J)

(M.S. Sonak, J)