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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 1044 OF 2024

The Pancham View Co-operative ...Petitioner
Housing Society Ltd.

Versus

Vasai Virar Municipal Corporation ...Respondents
and ors.

Dr. Pawan K. Pandey a/w Mr. Ashok Gupta, Ms.
Suman Gupta, for the Petitioner.

Ms. Swati Sagvekar, for the Respondent No.1-
VVMC.

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

DATED: 10th June 2024

PC:-

- 1.** Heard Dr. Pawan K. Pandey, learned counsel for the Petitioner and Ms. Swati Sagvekar, learned counsel for Respondent No.1.
- 2.** Mr. Pandey points out that service has been effected upon Respondent Nos.2, 3 and 4 and they have also filed a reply in this matter.
- 3.** Mr. Pandey, learned counsel for the Petitioner points out to the order dated 08th May 2023 (at page 26) issued by Respondent No.1 directing Respondent Nos.2, 3 and 4 to demolish the illegal construction put up by them.

4. Ms. Sagvekar, learned counsel for Respondent No.1 also submits that the show cause notice was issued to Respondent Nos.2, 3 and 4 and upon finding that the reply was not at all satisfactory, the order dated 08th May 2023 has been made in terms of Section 152 of the Maharashtra Regional and Town Planning Act, 1966 (MRTP Act).

5. Ms. Sagvekar however points out that Respondent Nos.2, 3 and 4 have instituted a suit to challenge the Respondent No.1's order dated 08th May 2023. She submits that she is not aware as to whether any interim reliefs have been obtained in the said suit.

6. Mr. Pandey, for the Petitioner submits that in the reply filed on behalf of Respondent Nos.2, 3 and 4 there is no reference to the institution of any suit or any interim orders by any Court or any other authorities concerning the order dated 08th May 2023.

7. Be that as it may, we now direct the Respondent No.1 to implement/execute its order dated 08th May 2023 by 22nd July 2024. This is provided that in the meantime the implementation/execution of the order dated 08th May 2023 is not stayed by any competent Court of law or any other competent Authority. Mere pendency of the suit shall not be a ground for non-execution or non-implementation of the order dated 08th May 2023.

8. Further, in the interest of justice, though Respondent Nos.2, 3 and 4 have not appeared through any advocate despite valid service, we direct the Respondent No.1 to furnish an authenticated copy of this order to Respondent Nos.2, 3 and 4 or the advocate appearing on behalf of Respondent Nos.2, 3 and 4 within a week from today. Again, it is clarified that unless there is any restraint order from Civil Court or any other competent Authority, the Respondent No.1 must proceed with the implementation/execution of its order dated 08th May 2023. The Petitioner and Respondent No.1 must serve an authenticated copy of this order on Respondent Nos.2, 3 and 4 or their advocate by 18th June 2024.

9. Respondent No.1 should file a compliance report in this Court by 29th July 2024 after furnishing a copy of the same to the learned counsel for the Petitioner.

10. The Petition is disposed of in the above terms. However, Respondent No.1 must file a compliance report as indicated above.

11. All concerned to act on an authenticated copy of this order.

(Kamal Khata, J)

(M. S. Sonak, J)