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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 1379 OF 2024

Ashok Chunnilal Oza ...Petitioner
Versus
The Municipal Commissioner B.M.C. Mumbai ...Respondents
and ors.

Mr. Prosper D'souza, for the Petitioner.
Mr. Pradeep Patil, for Respondent Nos.1 and 2-BMC.

CORAM M.S. Sonak &
Kamal Khata, JJ.
DATED: 15th July 2024

PC:-

1. Heard learned counsel for the Petitioner and the Brihanmumbai Municipal Corporation ("BMC").
2. Learned counsel for the Petitioner submits that the BMC, after issuing show cause notice dated 4th November 2022 regarding the illegal construction undertaken by the 3rd Respondent has not taken this show cause notice to its logical conclusion.
3. Learned counsel for BMC states that after the show cause notice was issued, the BMC has already made a demolition order on 4th March 2024. He pointed out that this demolition order was challenged by the 3rd Respondent by filing L.C. Suit No.2298 of

2024 before the City Civil Court. Ad-interim injunction was refused, against which the 3rd Respondent instituted Appeal from Order No.301 of 2024. By order dated 10th April 2024 learned Single Judge of this Court directed the City Civil Court to dispose of the 3rd Respondent's Notice of Motion seeking interim relief within a time-bound period. However, it was observed that if any adverse order is made, the same should not be given effect for three weeks.

4. Learned counsel for BMC pointed out that by order dated 9th July 2024, the City Civil Court has dismissed the 3rd Respondent's Notice of Motion seeking interim relief. However, period of three weeks from 9th July 2024 is yet to expire. Learned counsel for BMC states that once this period expires and if in the meantime, there is no injunction from any other Court, the BMC will proceed to execute its demolition order dated 4th March 2024 as expeditiously as possible and in any case on or before 16th August 2024.

5. The BMC should act consistent with the above undertakings.

6. By accepting the above submissions and undertakings on behalf of the BMC, we dispose of this Writ Petition. There shall be no order for costs. All concerned to act on an authenticated copy of this order.

(Kamal Khata, J)

(M.S. Sonak, J)