

Wadhwa

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 9987 OF 2024

Mubina Mushir Sayyed

...Petitioner

Versus

The State of Maharashtra & Anr

...Respondents

Mr Ganesh Gole, i/b Viraj Shelatkar, for the Petitioner.

Mr AA Alaspurkar, AGP, for the Respondent-State.

Mr ML Patil, for Respondent No. 2.

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

DATED: 23rd July 2024

PC:-

1. Heard learned counsel for the parties, the relief in this Petition is quite peculiar, inasmuch as it seeks a writ to the Nashik Municipal Corporation to refrain from demolishing the Petitioner's structure in City Survey No. 3800/2(part) without issuing any prior notice to the Petitioner. The Petitioner relies on the provisions of the Maharashtra Municipal Corporation Act to submit that such a notice is prerequisite to any action for demolition.

2. In this Petition, it is impossible for us to go into the issue as to whether the Petitioner's structure is really a legal and authorised structure. However, the learned counsel for the Corporation, states

that if and when the Corporation decides to demolish the Petitioner's structure, necessary notice as contemplated under the Maharashtra Municipal Corporation Act will be issued to the Petitioner. The learned counsel states that the counsel always follows the law and even in this case, will act in accordance with the law.

3. The learned counsel for the Petitioner, by way of reciprocation, and with instructions, states that even the Petitioner will not carry out any further constructions without the prior permission of the Municipal Corporation or any other prescribed authority. This statement is also accepted.

4. By recording the above statement we dispose of this Petition. No costs.

(Kamal Khata, J)

(M.S. Sonak, J)