



Darshan Patil

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 150 OF 2024

Virendra Shantilal Jain

...Petitioner

Versus

Hon'ble Municipal Commissioner, Municipal Corporation Greater Mumbai and Ors. ...Respondents

Mr Pradeep Dube, *a/w Ms Riddhi Shah, for the Petitioner.*
Ms S Tondwalkar, *for the Respondent-BMC.*

CORAM M.S. Sonak &
Kamal Khata, JJ.
DATED: 24th July 2024

PC:-

1. Heard learned counsel for the parties.
2. Learned counsel for the petitioner states that the 5th respondent and even affidavit of service is filed. Learned counsel for the petitioner points out that by orders dated 08 August 2017 and 02 February 2018, the BMC has directed the demolition of unauthorised constructions put up by the 5th respondent. However, till date, these orders are not being executed. Learned counsel for the petitioner points out that the demolition orders were issued against the construction put up by Parera Electric and the 5th respondent. The illegal construction put up by Parera Electric has

already been demolished. The illegal construction put up by the 5th respondent has not yet been demolished.

3. Accordingly, we direct BMC to execute its own demolition orders dated 08 August 2017 and 02 February 2018 within 15 days from today unless there is any legal impediment, stay order or injunction from any competent Court of law restraining BMC from doing so. Learned counsel for the petitioner states that in fact the 5th respondent is not even occupying illegal construction but still BMC has failed to execute its own demolition order.

4. Learned counsel for the petitioner points out that the 5th respondent had challenged the demolition order but no interim order was granted by the Civil Court. Even the appeal against that order dated 20 February 2018 was dismissed by this Court on 13 November 2019. Learned counsel for the petitioner states that as of now there is no legal impediment whatsoever for the BMC to execute its own demolition order.

5. The Writ Petition is disposed of with the above directions without any orders for costs.

6. All concerned to act on the authenticated copy of this order.

(Kamal Khata, J)

(M.S. Sonak, J)