



Sumedh

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 1942 OF 2023

Prince Housing & Hospitality Pvt Ltd ...Petitioner
Versus
Municipal Corporation of Greater Mumbai & Ors ...Respondents

Ms Tanaya Patankar, *with Kartik Tiwari & Shraddha Mishra, i/b
Lakshyavedhi Legal, for the Petitioner.*
Ms Pooja Yadav, *for the Respondent-MCGM.*
Mr Milind More, *Addl. GP, for the Respondent-State.*

**CORAM G.S. Patel &
Kamal Khata, JJ.**
DATED: 22nd August 2023

PC:-

1. Prayer (a) of the Petition at page 14 reads as follows:

“(a) That this Hon’ble Court be pleased to issue a writ of mandamus, or a Writ in the nature of Mandamus, or any other appropriate writ, order or direction, directing the Respondent nos 1 & 4 to take effective and strict action to remove the encroachment permanently and remove the illegal structures around the said plot no.329 and on the road no.12 and also against the Respondent no. 5 & 6 to give all assistance to the Respondents for carrying out the removal of the illegal structures.”



2. There are photographs from page 78 which show what appear to be temporary unauthorised structures on the road in question. Our attention is also drawn to the MCGM report of 24th January 2023 at pages 69 and 70 which shows the demolition of unauthorised shanties at this location.
3. The complaint is that these demolitions have been carried out three times but on each occasion these unauthorised structures are erected or constructed again.
4. We require the learned Advocate for the MCGM to take instructions and to inform us on affidavit by the next date what these structures are, whether they are part of any policy of the MCGM and how it comes to pass that after each demolition these structures are permitted. The affidavit must also specifically set out what measures the MCGM proposes to take to prevent a recurrence, such as, for example, putting up bollards or other measures to prevent a constant cycle of illegal constructions and demolitions.
5. The Affidavit is to be filed and served by 4th September 2023.
6. List the matter on 11th September 2023.

(Kamal Khata, J)

(G. S. Patel, J)