

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 1835 OF 2017

Janhit Association through its Secretary
Mr. Sunil Ansalam Furtado

.....Petitioner

versus

The Municipal Corporation for Greater Mumbai
and ors.

.....Respondents

Mr. G. T. Kanchanpurkar, Advocate for the Petitioner.

Ms. Sheetal Metkari, Advocate for the Corporation.

Mr. Sagar Batavia I/b. Mr. Angad Giri, Advocate for Respondent Nos.8
and 9.

Coram : RANJIT MORE &
REVATI MOHITE DERE, JJ.

Date : **December 20, 2018.**

P. C. :

1. By this petition, the Petitioner has made grievance regarding the unauthorised construction put up by Respondent Nos. 5 to 9. On 4th June 2018, the petition was placed before the Court for admission. On that day, after hearing the learned counsel for the Petitioner as well as the learned counsel for Respondent Nos. 4, 7 and 9 and so also the learned counsel for the Respondent-Corporation, this Court directed the designated officer to visit the subject structures after issuing notices to Respondent Nos.5 and 6. The designated officer was directed to ascertain whether the structures are illegally constructed and if he finds that structures are illegally constructed, to

initiate action in accordance with law.

2. On behalf of the Respondent-Corporation, an affidavit dated 2nd July 2018 has been filed by one Sadik Khan, the Assistant Engineer (Building and Factory) N-Ward of MCGM, wherein following averments are made in paragraph 5 and 6 :

"5. I say that this Hon'ble Court by order dated 4th June 2018 directed Designated officer of any other officer nominated by him to visit the subject structures. Accordingly, Beat Officer has visited the site on 21.06.2018 to verify whether there is any illegal construction. During the visit, it is found that there was unauthorised temporary shed constructed on open land using Bamboo and Tarpaulin. Hereto annexed and marked Exhibit-5 is the copy of the Inspection report dated 21.6.2018. According notice under section 55 of MRTP Act under No. N/DO1N/125/ 55-MRTP-ACT/ N440N01/ 22-06-2018 has been issued to Respondent No. 7 Shri. Pradeep Narayan Vengurlekar.

6. I say that notice under section 351 of MMC Act u/No.N/DO1N/125/351-MMC-ACT/N442N01/26-06-2018 dt. 26.06.2018 issued to Respondent No. 5 Bharitya Janata Party Office and Respondent No. 6 Konkan Dhangar Samaj Office for unauthorised construction of ground floor and first floor with the B.M. Wall and Ladi coba. Hereto annexed and marked Exhibit-6 is the copy of the notices."

3. Thus, it is clear from the above averments that the construction put up by Respondent No.5 is illegal and unauthorised and notice to remove the same was given way back in the month of June 2018.

4. It is the grievance of the Petitioner that despite this, no

further action is taken. Learned counsel for the Respondent-Corporation states that she needs time to take instructions. Reluctantly and as and by way of last chance to the Respondent-Corporation, we defer hearing on the petition. However, we direct the concerned designated officer to take those notices to their logical end.

5. Stand over to 21st January 2019.

[REVATI MOHITE DERE, J.]

[RANJIT MORE, J.]