

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION (L) NO. 3011 OF 2020

Ms Kangana Ranaut ...Petitioner

versus

Municipal Corporation of Greater Mumbai & anr. ...Respondent

ADDITIONAL AFFIDAVIT ON BEHALF OF THE MUNICIPAL CORPORATION OF
GREATER MUMBAI

I, Mr. Bhagyavant Late, The Designated Officer, H West Ward, MCGM having my office at H West Ward Office, St, Martins Road, Bandra West, being an officer of the Respondent MCGM, do hereby state on solemn affirmation as under:-

1. I say that I have read the copy of the amended petition and annexures thereto and I am aware of the facts and circumstances of the present case on the basis of records available in my office and I am authorized to make the present Affidavit in respect of the same.
2. I say that this Respondent has filed an Affidavit dated 10th September 2020 in the captioned writ petition setting out the facts and details relevant to the present matter. However pursuant to the order dt 10.9.2020 the Petitioner has carried out extensive amendments and has virtually replaced the existing Petition with a new Petition. I am accordingly filing this Affidavit in Reply to the amended Petition.



3. At the outset I say and submit that the Writ Petition and the Reliefs sought for therein constitute an abuse of process , inasmuch as

(a) the record establishes that the Petitioner has unlawfully made substantial alterations and additions to the property , contrary to the sanctioned Building Plan . Details of these unlawful alterations and additions were listed at (a) to (k) of the Notice issued to the Petitioner under Section 354A and included construction of new toilets, [including in open chowk area and in parking area] , conversion of existing toilets into cabins / rooms , construction of pantry , kitchen , cabins etc . The sanctioned Building Plan , establishes beyond doubt that the aforesaid unlawful work has been carried out.

(b) Both in her Advocates Reply dt 8.9.2020 and in the unamended Writ Petition , the Petitioner had not disputed carrying out the said unlawful alterations and additions.

(c) Even in the amended Petition [in which extensive amendments have been carried out] , the Petitioners case appears to be that all such unlawful work had been done sometime ago and that no work was ongoing on 7th September . The Petitioner has even in the amended Petition not disputed having carried out the aforesaid unlawful additions and alterations to the premises , contrary to the sanctioned Building Plan .



In Ground (K) the Petitioner has in fact stated " *that the structures that the Respondents have purportedly noted in the impugned Notice as unauthorised or illegal are merely*

operational use of the area of the said bungalow and cannot be said to be unauthorised or illegal in any manner".

- Furthermore in para 7E(g) and in Ground G(ix) , the Petitioner has sought to avoid dealing with this issue , by an evasive & misleading response . The Petitioner has referred to the fact that the " **First Inspection Report** " at Sr no 16 thereof states " *Whether the construction is in the nature of additions & alterations to the existing structure: no*" , and contends that " thus the allegations made by the Respondent No 1 in para 4(c) of the said Reply that there were substantial alterations and additions at the said bungalow are false , incorrect and misleading". The Petitioners said "denial" is both evasive and misleading . In fact both at Sr No 14 and sr no 27 of the said " First Information Report" it has been categorically stated that "*unauthorised construction , addition alteration and amalgamation work is in progress at G+2 bungalow no 5 without any permission from competent authority*". I submit that the Petitioners has failed to deny having carried out the listed unlawful additions and alterations, only because the Petitioner is fully aware that she has in fact carried out unlawful additions and alterations contrary to the Sanctioned Plan.



- (d) It is respectfully submitted that the Petitioner who has illegally carried out such substantial unlawful additions and alterations, contrary to the sanctioned Building Plan , should not be permitted to seek relief designed to protect

such unlawful work, by approaching this Hon'ble Court by a writ petition under Art 226

(e) I submit that the Petitioners diverse allegations are only an attempt to obfuscate the material fact that the Petitioner has carried out substantial additions and alterations to / in the premises , contrary to the sanctioned plan. I submit that in view of this undisputed position , the Petition should not be entertained and should be dismissed with costs.

4. The brief facts pertaining to the present petition are as under:

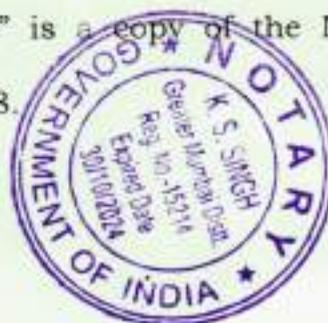
(a) I say that, the Building Mukkadam of the Respondent Corporation, in the course of routine inspection in the area on 05.09.2020, noticed construction work taking place at the said property of the Petitioner being Bungalow No. 5, Chetak Row House, 41, Nargis Dutt Road, Pali Hill, Bandra (West), Mumbai - 400 050 . A Detection Report was prepared by the aforesaid officer on 05.09.2020 at about 1:00 pm.

(b) Pursuant to such Detection Report, a team of officers comprising of the Designated Officer, H/West Ward, Assistant Engineer (B&F) H/W, Sub Engineer (B&F) H/W, Sub Engineer (Building Proposal) H/W, Building Mukaddam and labour of the Building Dept., visited and inspected the said property on the 7th. At the time of inspection quite six workmen , alongwith materials & tools were also found to be present and work of renovation and finishing was found to be going on in the entire property including the unlawful additions and alterations. A detailed inspection found that substantial additions and alterations were carried out in the property contrary to the



sanctioned Plan . Photographs of the unlawful work carried out were also taken. The said officer prepared an Inspection Report dated 07.09.2020 which recorded details of the unauthorised work of alterations and additions being carried out contrary to the approved plans. Hereto annexed and marked as "**Exhibit A**" is a copy of the Site Inspection Report dated 07.09.2020. The said inspection report was uploaded on the RETMS online system by the Field Officer vide ref no. 112126 dated 07.09.2020 at 03:27 pm. Hereto annexed and marked as "**Exhibit B**" is an extract of the Inspection report uploaded on the RETMS system.

(c) In view of the above, Notice u/s 354A of the Mumbai Municipal Corporation Act, 1888 (hereinafter referred to as "the MMC Act" for short) dated 07.09.2020 was issued to the Petitioner on 08.09.2020 at about 10:00 am detailing the substantial alterations & additions unlawfully carried out including construction of new toilets, [including in open chowk area and in parking area] , conversion of existing toilets into cabins / rooms , construction of pantry , kitchen , cabins etc.. By the Notice the Petitioner was required to produce authorisation/ permission for such work within 24 hours , failing which the same would be removed or pulled down without further Notice. The Petitioners representative / person present at the suit property however refused to accept the notice, and the same was accordingly pasted on the premises on 08.09.2020. Hereto annexed and marked as "**Exhibit C**" is a copy of the Notice issued u/s 354A of the MMC Act, 1888.



(d) 08.09.2020 at around 4:00 pm , the Petitioner through her advocate submitted a reply making incorrect and baseless allegations of trespass and intimidation . By the Reply the Petitioner however did NOT dispute that the said substantial work of alterations and additions listed in the Notice was being carried out contrary to the Sanctioned Plan , but only sought 7 days to respond to the Notice.

(e) The said reply was uploaded on the RETMS system and forwarded for scrutiny to the concerned Designated Officer . In view of the fact that the Petitioner had not disputed that the work carried on [of substantial alterations and additions] was contrary to the sanctioned Plan and had not referred to any permission for the same , the Designated Officer passed an order on 09.09.2020 confirming the notice issued u/s 354A of the MMC Act directing demolition of the work of additions and alterations being carried on contrary to the Sanctioned Plan . Hereto annexed and marked as "**Exhibit D**" is a copy of the Order dated 09.09.2020.

(f) I say that, the said Order was communicated to the advocate of the Petitioner via email on 09.09.2020 and was also pasted on the site on 09.09.2020 morning .

(g) In view of the above, panchnama was prepared on the site in the presence of the officers of Khar police station at about 10:55 am on 09.09.2020. Demolition of the work of unlawful additions and alterations was commenced in the presence of Khar police station staff and the concerned officers of the H/West Ward at 11:00 am. A substantial part of the illegal work carried out on



the suit property was demolished by the time intimation was received that this Honble Court had directed stay of the demolition work.

5. I say that, it is apparent that the Petitioner has been carrying out substantial work of alterations and additions in the property, contrary to the sanctioned Plan, without even seeking permission for the same. The unauthorised and unlawful nature of the said alterations and additions [as being contrary to the sanctioned Plan] are clearly established on the record. In fact as stated above, to date the Petitioner has both in her Advocates Reply and even in the present Petition not denied / disputed having carried out such unlawful work of additions and alterations. The Petitioner's only case appears to be that such unlawful work was not ongoing on 7th Sept and had been done some time ago. The Petitioner has only made baseless and false allegations of harassment & malafides.

6. It is respectfully submitted that the Petitioner who has undisputedly carried out such unlawful substantial additions and alterations, contrary to the sanctioned Building Plan, is not entitled to seek relief from this Honble Court by a writ petition under Art 226



7. I am now dealing with the amended Petition parawise :

(a) With reference to paragraph 1, I say that the contents thereof are false and denied. The Petitioner has falsely stated that the Petitioner is residing at Bungalow No. 5, Chetak Row House No.

41, Nargis Dutt Road, Pali Hill, Bandra West, Mumbai - 400 050 (hereinafter referred to as the "suit property"). However, the letters annexed at Exhibit A-4 and A-5 to the petition record the residential address of the Petitioner as DB Breeze, 5th Floor, opp. Khar Gymkhana, 16th road, Khar (W), Mumbai - 52. The petitioner, at ground E of the petition has also admitted that the "said bungalow was used by the Petitioner as place of work." and has on that basis claimed that the demolition allegedly violated Article 19(1)(g)

(b) With reference to paragraph 2, I say that, the same requires no response.

(c) With reference to paragraph 2A to 2D , I say that, the Application dated 3rd October 2018, and the MCGM's replies thereto dt 30.10.2018 [annexed at Exhibit A-3 & A-4] were only in respect of carrying out of " repairs/ tenantable repairs". This is also borne out by the list of work carried out annexed to the letter dt 19.05.2019 of Ms Tara Enterprises.

(d) With reference to paragraph 2E, I say that the contents thereof are not within the knowledge of this department and the Petitioner is put to strict proof thereof. However the letters dt 31st July 2019 [annexed as Exhibits A-9 & A-10] only relate to permission for " Full renovation work " and work to " fix the leakage/ seepage".

(e) With reference to paragraph 2F, to 2H of the Petition I say that the contents thereof do not in any way detract from the fact that extensive renovation work including of the additions and



alterations was going on 7th Sept 2020. I deny that the photographs and magazine make it evident that there was no further requirement by the Petitioner to carry out work therein. I say that the said allegation is belied by the fact that on 7th sept six workmen were found to be present [alongwith materials etc] and finishing and renovation work was going on in the entire premises .

(f) With reference to paragraph 3, I say that the contents are vague, devoid of any particulars and denied as such. I further say that the same have been made by the Petitioner in an attempt to obfuscate the fact that the Petitioner has been brazenly carrying out substantial unlawful alterations & additions in her premises contrary to the sanctioned Plan .

(g) With reference to paragraph 4A and 5 I say that the contents thereof are vague, misleading and denied . I reiterate that such allegations have been made by the Petitioner in an attempt to obfuscate the fact that the Petitioner has been brazenly carrying out substantial unlawful alterations & additions in her premises contrary to the sanctioned Plan . I reiterate that the officer of the Respondent Corporation noticed work being carried out in the premises in the course of a routine inspection in the area on 05.09.2020. I say that, during the visit of the Inspection team on 07.09.2020 it was found that there were 6 workmen present alongwith materials such as plywood and that renovation & finishing work was going on virtually in the entire premises including the unlawful additions and alterations. I deny that there was only one worker and that he was only doing the waterproofing work . I deny that the photographs Annexed as Exh A-15 demonstrate leakage. I deny



that the officials entered the premises " by threatening and roughing up the security guard and other staff members present" as has been falsely alleged. In fact on the 5th and 7th the Officers requested and were given entry into the premises by the Petitioners representative / person present : Mr Nikhil Surve , whose name and number have been noted in the on site Report. In fact this false allegation is also belied by the Petitioners own statement that her brother Rishu was present at the time the officials inspected the bungalow on 7th Sept and by the Whatsapp conversations with him which have been annexed as Exh A -14 to the Petition , which make no such statement / allegation and in fact forward a copy of the inspection Note which had been signed by the said Nikhil Surve , the Petitioners representative who was present at the time of inspection.

- (h) With reference to paragraph 5A and 6 , I deny the contents thereof. I say that allegations are false and have been made in an attempt to obfuscate/ cover up the fact that the Petitioner was unlawfully carrying on the work of making additions and alterations to the property contrary to the sanctioned plan.
- (i) With reference to paragraph 6A and 6B, I say that the contents thereof are denied . I say that since the notice is issued in prescribed format, the reference to the sketch inadvertently remained in the notice even though there was no such sketch as part of the notice issued. I however say that the Notice listed in detail the 14 additions and alterations which were found to have been carried out contrary to the approved Plan. Also although a photo of only one work man was given with the Notice , as stated



before there were six workmen present in the property alongwith materials at the time of inspection on the 7th. I deny that only the work of waterproofing / prevention of leakage was taking place. I reiterate that finishing & renovation work was ongoing in virtually the entire property.

- (j) With reference to paragraph 7, I say that by the said "Reply" the Petitioner made false & baseless allegations of trespass and intimidation of the security guards present , but did NOT dispute or deny that the unlawful additions and alterations had been carried out contrary to the approved plan. It was only falsely stated that " no work is being carried out by my client in her premises" and 7 days time was sought to respond to the Notice.
- (k) With reference to paragraph 7A, I deny that the "Petitioner was unable to comprehend the details given in the schedule of the Notice" and / or " the same required expert consultation". I say that Notice had listed in clear and plan terms the unlawful additions and alterations carried out contrary to the approved plan. I further say that the Petitioner who had arranged for carrying out such unlawful additions and alterations was necessarily aware of the same and of the fact that the same were being carried out without seeking/ obtaining any permission for the same.
- (l) With reference to paragraph 7B, I say that in view of the the Reply not disputing that the works/ additions and alterations listed in the Notice had been carried out contrary to the approved Plan , the order for demolition of such unlawful



additions and alterations was made . The allegation of premeditated or malafide intention or ulterior motives are false and denied. The Petitioner who had brazenly carried on the work of making substantial additions and alterations which were undisputedly contrary to the approved plan , cannot be heard to allege malafides & ulterior motives , if action is taken as required by law to demolish the same.

(m) With reference to paragraph 7C, I say that the contents thereof are denied as false. I say that, when the advocate for the petitioner informed the concerned officers that the petition had been filed in this Hon'ble Court, the concerned officers did not have any instructions regarding the same. I deny that the officers locked the door as alleged or otherwise. I say that, as soon as the officers were informed of the stay order of this Hon'ble Court, the demolition work was stopped immediately.

(n) With reference to paragraph 7D, I say that the contents thereof are false and are denied . I deny that the Respondents have carried out illegal demolition of 40% of the property and / or that they have destroyed any of the articles as belatedly & falsely alleged by the Petitioner. The photographs annexed at EXHIBIT C do not show destruction of any of the items alleged . I reiterate that the Respondents have only partially demolished the unlawful additions and alterations which have been made contrary to the approved plan and which had been specifically listed in the Notice dt 7th Sept. The allegation of destruction of the articles listed is false and has been belatedly made only as a counterblast .



(o) With reference to paragraph 7E, I deny the contents thereof . I deny that the Reply dt 10th Sept 2020 contained any false statements and/ or that the said allegation is established from the following paras.

(p) With reference to paragraph 7E.a), I say that, the contents thereof are denied as false. In the present case, the Building Mukkadam has on 5.09.2020 noticed the construction work going on at the said property of the Petitioner being Bungalow No. 5, Chetak Row House, 41, Nargis Dutt Road, Pali Hill, Bandra (West), Mumbai - 400 050 . A Detection Report was prepared by the aforesaid officer on 05.09.2020 at about 1:00 pm. This has also been stated in the first affidavit filed on 10th Sept.

(q) With reference to paragraph 7E.b) and c), I deny that the the handwritten report does not state that the work was being carried out. The report indicates the work [of alterations and additions which are contrary to the approved plan] and states that " internal renovation and finishing work is in progress". As stated above , at that time there were six workmen working alongwith materials carrying on work in the property.

(r) With reference to paragraph 7E.d), I say that the contents are denied as false . I say that, the document at Exhibit B of the Affidavit dated 10.09.2020 is the extract of the online system of the Respondent Corporation. The time and date of detection as reflected therein is the date and time at which it is uploaded on to the system and not the date and time of the physical detection

inspection on the site. Although the Report at Sr no 16 states
Whether the construction is in the nature of additions &



alterations to the existing structure : no” , the Report at Sr No 14(1) and at Sr no 27 categorically stated that “unauthorised construction , addition alteration and amalgamation work is in progress at G+2 bungalow no 5 without any permission from competent authority”.

- (s) With reference to paragraph 7E.c), I say that the contents thereof are denied as false. I deny that there was no detection that actually took place as alleged or otherwise. A Detection Report was prepared by the aforesaid officer on 05.09.2020 at about 1:00 pm. The “First Inspection Report” annexed as exh B to the Reply relates to the inspection carried out on 7th Sept
- (t) With reference to paragraph 7E.f), I say that, the contents thereof are denied as incorrect. I say that, the handwritten note prepared as well as the notice under section 354A of the MMC Act, 1888 record four discrepancies on the ground floor. The discrepancy recorded in the handwritten note as unauthorised additions and alterations with partition walls has been more specifically defined in the notice u/s 354A as Unauthorised kitchen constructed in the store room on the ground floor. It is reiterated that the allegations of “ Conspiracy” and “ personal vendetta” are false and baseless and are being made only as the Petitioner cannot dispute that the alterations and additions made by her were clearly unlawful as being contrary to the approved plan and made without seeking and obtaining any permission.



With reference to paragraph 7E.g), I say that the contents thereof are false and misleading. As the Petitioner is obviously

not in a position to dispute / deny that the alterations and additions carried on by her are unlawful and contrary to the approved plan , the Petitioner has resorted to a misleading and evasive response of stating that as the "**First Inspection Report**" at Sr no 16 thereof states "*Whether the construction is in the nature of additions & alterations to the existing structure: no*" , "thus the allegations made by the Respondent No 1 in para 4(c) of the said Reply that there were substantial alterations and additions at the said bungalow are false , incorrect and misleading". The Petitioners said "denial" is both evasive and misleading . Moreover both at Sr No 14(1) and at Sr no 27 of the said " First Information Report" it has been categorically stated that "*unauthorised construction , addition alteration and amalgamation work is in progress at G+2 bungalow no 5 without any permission from competent authority*".

(v) With reference to paragraph 7E.h), I say that the contents thereof are denied as false and incorrect . The inspection report does not require to mention the names of the workmen found or the presence of materials or tools inasmuch as the same records that "*unauthorised construction , addition alteration and amalgamation work is in progress at G+2 bungalow no 5*". Significantly the Petitioner does not dispute that workmen were present on the property with materials etc.

(w) With reference to paragraph 7E.i), I say that the contents thereof are denied . I say that, there is a typographical error in the letter in as much as Section 354A(2) has been erroneously referred to as 354A(b)(2). There is no requirement to specify the names of



the persons who are carrying out the illegal work , while seeking necessary assistance from the police authorities.

(x) With reference to paragraph 7F, I say that the contents thereof are denied as false . It is reiterated that baseless allegations of malafides and harassment are being made , only to obfuscate and attempt to cover up the undisputed fact that the Petitioner has been unlawfully carrying out extensive additions and alterations to the property contrary to the approved Plan.

(y) With reference to paragraph 7F.(a) (b) & (c) , I say that the contents thereof are denied as misleading. The Advocate of the Petitioner, replied to the Notice issued under sec 354A within the 24 hour limit , but the Reply did NOT dispute / deny that the alterations and additions carried on [and specifically listed in the Notice] were contrary to the approved Plan, or that any permission had been sought or obtained for carrying on of the same. The Reply merely denied that “ work is being carried out by my client”. In these circumstances the making of the order of demolition under 354A was fully justified. It is reiterated that the allegations of “ Malafide intentions and ulterior motives” are baseless & false and are being made only to cover up the Petitioners acts of brazenly carrying on extensive additions and alterations in the property contrary to the approved Plan.

8. With reference to ground A, I say that, the contents thereof are denied . The Petitioner who has undisputedly carried out extensive work of additions and alterations contrary to the



approved Plan without seeking and obtaining any permission , cannot be heard to allege Malafides and abuse of power when action is taken in respect of such brazenly illegal acts. Action under sec 354A was taken as the inspection report revealed that such illegal additions and alterations had been made and that extensive renovation & finishing work was ongoing virtually throughout the premises by six workmen with materials etc. Accordingly it is denied that the work was complete or that accordingly resort could only have been made to sec 351 and not section 354A.

9. With reference to ground B, it is reiterated that the Petitioner who has undisputedly carried out extensive work of additions and alterations contrary to the approved Plan without seeking and obtaining any permission , cannot be heard to allege Malafides and abuse of power when action is taken in respect of such brazenly illegal acts. I reiterate that further action was taken for demolition under sec 354A as the Petitioner by her advocates letter / Reply did NOT dispute or deny that the alterations and additions carried out[and specifically listed in the Notice] were contrary to the approved Plan, or that any permission had been sought and obtained for carrying on of the same. The Reply merely denied that " work is being carried out by my client". The reference to the Covid 19 situation is clearly misleading . The Petitioner who was unlawfully carrying on extensive work on her property during the Covid -19 period, cannot complain if action is taken in respect of such unlawful acts.

10. With reference to ground C, it is denied that the Notice and Demolition was contrary to the statutory provision or in violation of the principles of Natural Justice.



11. With reference to ground D, I say that the contents thereof are denied. Since the Petitioner had not disputed / denied that the work carried out was contrary to the approved Plan, there was no requirement of affording any further personal hearing.
12. With reference to ground E, I say that the contents thereof are denied. The Petitioner had undisputedly carried on the work of unlawfully making additions and alterations to the structure contrary to the approved Plan. Accordingly action was taken under the provisions of section 354A. There is accordingly no question of violation of Art 19(1)(g) or Art 300(A).
13. With reference to ground F, I say that the contents thereof are denied. In fact it is respectfully submitted that the Petitioner who has undisputedly carried out substantial unlawful additions and alterations contrary to the approved Plan and without applying for and obtaining any permission for the same, cannot be heard to contend that remedial action taken in respect of such unlawful acts, was either illegal or high Handed, or approach this Honble Court for relief under Art 226, and make baseless and bogus claims for compensation. I deny that the action of demolition was illegal. I deny that any question arises of having to compensate the Petitioner in the sum of Rs 2 crs or any other amount whatsoever.
14. With reference to ground G(i) to (x), I say that the contents thereof are denied as such. It is denied that there was no ongoing work or that the invocation of sec 354A was illegal or wrongful. This allegation is belied by the presence of six workmen in the premises at the time of the inspection carrying



on renovation and finishing work relating virtually to the entire property. The allegations made in Grounds G(i) (x) are a repetition of what has been alleged earlier and the said false / incorrect allegations and inferences have already been dealt with hereinabove .

15. With reference to ground H, I say that the contents thereof are denied . I reiterate that the action u/s 354A of the MMC Act was properly initiated in the aforesaid circumstances. I reiterate that in as much as the Petitioner in her advocates Reply did not dispute or deny that the works of additions and alterations had been carried out contrary to the approved Plan and without any permission having been obtained, there was no question of giving the Petitioners any further " fair opportunity to respond to the Notice".

16. With reference to ground I (i) to (viii), I deny the allegation of malice . I say that the contents thereof are a repetition of what has been alleged earlier and which false allegations and inferences a have been dealt with and denied by me earlier.

17. With reference to ground J the allegation of premeditation and malice are false and baseless and are denied. I say that the allegations in ground J (i) to (viii), are a repetition of what has been alleged earlier and which false allegations and inferences have already been dealt with and denied by me earlier.

18. With reference to ground K, I say that the contents thereof are denied . It is denied that there was no work being unlawfully carried on in the property. It is reiterated that the presence of six workmen with implements and materials clearly belies and negates the said false allegation. It is denied that the extensive additions and alterations listed in the Notice at sr Nos (a) To (n)



can be explained as being "merely operational use of the areas of the said bungalow", as has been falsely alleged. It is reiterated that the question of giving a further opportunity did not arise as the Petitioner by her Advocates letter in reply did not dispute or deny that the works of additions and alterations had been carried out contrary to the approved Plan and without any permission having been obtained.

19. With reference to ground L, it is denied that the Notice was either perverse or based on surmises. It is reiterated that the Petitioner has to date not disputed that she has carried out the said extensive additions and alterations contrary to the approved Plan.
20. With reference to ground M, it is denied that the Notice suffers from falsity or vagueness or lack of particulars. The Notice specifically lists at (a) to (n) thereof the extensive additions and alterations carried out contrary to the approved plan.
21. With reference to ground N, I say that the contents thereof are denied. There was no forceful entry or threats or coercion or any trespass. In this connection I reiterate what has been stated earlier.
22. With reference to paragraph 9 to 13, I reiterate that the Petition in fact constitutes an abuse of process inasmuch as that the Petitioner who has undisputedly carried out extensive illegal unlawful additions and alterations, contrary to the sanctioned Building Plan, should not be permitted to seek relief by approaching this Honble Court by a writ petition under Art 226
23. I submit that the Petitioner is not entitled to any of the reliefs prayed for.



24. In view of the above, I humbly submit that petition is liable to be dismissed .

Date: _____

~~Advocate for~~ Respondent

Drafted by Joel Carlos, Advocate

Drafted vetted by Senior Counsel Aspi Chinoy and Senior Counsel Anil

Sakhare