

SUPREME COURT OF INDIA

Indore Municipal Corpn & Anr.

Vs.

Harish Tolani

C.A.No.4088 of 2008

(Kurian Joseph and R.F.Nariman,JJ.)

24.02.2016

JUDGMENT

Kurian Joseph, J.

1. All that the High Court has done in the impugned Judgment is to remove the observations made by the learned Single Judge that the Commissioner or the Municipal Corporation does not have the power to compound any illegal construction.
2. The Division Bench of the High Court has further clarified that in the joint inspection, if any illegal construction is noticed, the Commissioner should first consider whether the unauthorized construction can be compounded before ordering for demolition of the said construction.
3. The learned counsel appearing for the Corporation submits that even going by the direction of the Division Bench of the High Court, the compounding cannot be permitted under law beyond a certain percentage of the alleged unauthorized contraction.
4. These are all matters to be verified on a joint inspection to be conducted by the Commissioner with the present owner of the building and it is for the Commissioner to take appropriate action under law thereafter.
5. Thus, we see no merit in the appeal; it is, accordingly, dismissed, subject to the above observations.