

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

PUBLIC INTEREST LITIGATION NO. 168 OF 2015

Iqbal Aziz Darvesh	..	Petitioner
versus		
Office of City Survey Officer, Vasai-Virar & Ors.	..	Respondents

None for Petitioner.

Ms Swati Sagvekar for Respondent Nos. 1 and 3.

Mr. M. M. Pabale -AGP for State.

**CORAM: DR. MANJULA CHELLUR, C. J. AND
M. S. SONAK, J.**

DATE : 15 DECEMBER 2016

P.C.:

1] By this public interest litigation, the petitioner complains about mushrooming of illegal constructions within the jurisdiction of Vasai Virar Municipal Corporation (VVMC). By way of instances, the petitioner has cited some alleged illegal constructions by one Mazeed Qureshi in CTS Ward No. 812 and by one Austin D'silva on land bearing Survey No. 55. The petitioner has stated that as per the information obtained by him under the Right to Information Act, there are at least 118 unauthorised constructions within the jurisdiction of VVMC.

2] The petitioner has however, not impleaded any of the parties who are alleged to have undertaken illegal constructions as parties to this petition. The relief applied for is quite general in nature. The petitioner has however placed on record not only the complaints made by him but also, the notices issued by statutory authorities in the matter. The petitioner alleges that notices are issued by the statutory authorities but the same are seldom pursued and this has resulted in further mushrooming of unauthorised constructions.

3] Taking into consideration the circumstance that the statutory authorities have themselves issued notices, we are of the opinion that such statutory authorities, including, the VVMC must take such matters to their logical conclusion.

4] Accordingly, we direct the VVMC as well as the Collector and Competent Authority (respondent no. 2) to treat the present petition and the annexures to the same as a representation to them and to take appropriate action, particularly in cases where the Authorities have themselves issued notices in relation to unauthorised constructions. No doubt, such action has to be in accordance with the law and if any adverse orders are proposed to be made, such action must be preceded by compliance with principles of natural justice. We make it clear that we have expressed no opinion on the legality or otherwise of the constructions referred to in the petition or in the annexures to this petition. All these are matters that must be looked into by the respondent nos. 2 and 3.

5] We direct the respondent nos. 2 and 3 to complete the aforesaid exercise within six months from today and the decision be communicated to the petitioner within the said period.

6] With the aforesaid directions, we dispose of the present petition. There shall be no order as to costs.

7] All concerned to act on basis of authenticated copy of this order.

CHIEF JUSTICE

(M. S. SONAK, J.)