

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

PIL NO. 136 OF 2016

Vikrant Chandrahas Tawde	.. Petitioner
V/s	
The Thane Municipal Corporation & Ors.	.. Respondents

Mr. Kishore Patil with Mr. R.M. Haridas for the petitioner.
Mr. Vishal Thadani, A.G.P. for the respondent – State.
None for the respondent – Corporation.

**CORAM: DR. MANJULA CHELLUR, CJ. &
M.S. SONAK, J.**

DATE : 23rd AUGUST 2016

P.C.:

The petitioner as a *pro bono publico* before us seeks the following reliefs:

- “(a) This Hon'ble Court be pleased to issue an appropriate Writ/Order directing the Respondents to take cognizance of the representation made by the Petitioner at Exh. C, E and G and decide the same in accordance with law by passing appropriate orders.

- (b) This Hon'ble Court be pleased to issue an appropriate Writ/Order directing the Respondents to take appropriate legal action in accordance with law against all those responsible persons / officers of the Corporation

who had constructed the hospital building and college, i.e. Chatrapati Shivaji Maharaj Hospital and Rajiv Gandhi Medical College, without getting the construction plans approved from the Planning Authority.

- (c) This Hon'ble Court be pleased to issue an appropriate Writ/Order directing the Respondent No.1 Corporation to get the hospital and college building i.e. (Chatrapati Shivaji Maharaj Hospital and Rajiv Gandhi Medical College) regularized from the concerned authorities.”

2. The contention of the petitioner is that the building of Hospital and Medical College is put up without requisite plan, permission and even without occupation certificate, they started functioning in the building. In spite of several requests and demand since no response came from the respondent authorities, the petitioner is before us seeking above reliefs.

3. Learned counsel for the petitioner was fair enough to submit that the intention of the petitioner is not to deprive the common men, especially people coming from lowest strata of the society, getting any treatment from the hospital and the intention of the petitioner is to see that no negligence, so far as compliance of building plan etc. is concerned, should be encouraged even if the hospital is run by Local Authorities.

4. We appreciate the concern of the petitioner and since he has made it clear that the violations, if any, noted would fall within the zone of regularisation, therefore, we are of the opinion that the petition should be allowed in part with the following directions:-

- (i) The respondent Authorities shall look into the representation referred to in prayer clause (a) of the petition, and do the needful.
- (ii) If there is intentional violation of requisite permission or lack of action on the part of any of the officers, there shall be an inquiry into the matter by the concerned Authorities of the respondent.
- (iii) If the deficit found during the inquiry deserve regularisation, the same has to be attended to by the Authorities concerned.
- (iv) The above exercise has to be complied with within 3 months from the date of receipt of copy of this order.

The petition stands disposed of with the above directions.

(M.S. SONAK, J.)

(CHIEF JUSTICE)