

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.10026 OF 2016

Anilkumar Madhavrao Patil ... Petitioner
Vs.
The Thane Municipal Corporation,
Thane & Ors. ... Respondents

Mr. S.A. Joshi for the Petitioner.

Mr. Kunal Hirve, i/by Mr. Mandar Limaye, for Respondent Nos.1 to 3.

CORAM : NARESH H. PATIL &
DR. SHALINI PHANSALKAR-JOSHI, J.J.

DATE : 3RD APRIL 2017.

P.C. :

1. Heard Mr. Joshi, learned counsel for the Petitioner, and Mr. Hirve, learned counsel for the Respondent-Municipal Corporation.
2. Petitioner claims to be the resident of a Unit / Flat in Kiran Co-operative Housing Society. It is submitted by learned counsel for the Petitioner that, one person, by name, Verugunta Rao, has carried out illegal construction on the 3rd Floor of the said Society. The Assistant Commissioner, Naupada Prabhag Samiti, Thane Municipal Corporation, vide his order dated 20th June 2011 (Exhibit-A), had directed removal of the said illegal construction.

3. It is further submitted by learned counsel for the Petitioner that, the Petitioner has submitted a representation dated 30th March 2015, addressed to the Commissioner, Thane Municipal Corporation, which is at Exhibit "C". It is the grievance of the Petitioner that, in spite of making efforts, the Respondent-Municipal Corporation is going slow in demolishing the subject structure.

4. From the record, we find that the person, against whom the Petitioner is claiming relief, is not made Respondent to this Petition. The Assistant Commissioner, Naupada Prabhag Samiti of Thane Municipal Corporation, had passed an order directing demolition of the illegal construction in the year 2011. The Petitioner had made representation in the year 2015.

5. Therefore, in the facts of the case, without expressing any opinion, we observe that the Assistant Commissioner, Naupada Prabhag Samiti of Thane Municipal Corporation, would look into the matter and take appropriate steps by adhering to the principles of natural justice.

6. Petition is disposed of in the above terms.

[DR. SHALINI PHANSALKAR-JOSHI, J.] [NARESH H. PATIL, J.]