

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

PUBLIC INTEREST LITIGATION NO.53 OF 2017

Nagrik Hittsanvardhan Sanstha

..Petitioner

V/s.

State of Maharashtra & Ors.

..Respondents

Ms.Gayatri Nayak i/b Mr.Rajesh Khobragade, for the Petitioner.

Mr.P.G. Sawant, AGP for Respondent-State.

Mr.Prashant Kamble i/b Mr.A.S. Rao for Respondent Nos.2 to 8.

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

DATE : 10th NOVEMBER 2017

P.C.:

1. Heard the learned counsel for the parties.

2. This Public Interest Litigation seeks directions to the Kalyan-Dombivali Municipal Corporation to initiate action against illegal constructions and encroachments on Plot No.449, Survey No.73/A (Part), 75, 95 (Part), Lokdhara Garden, Kalyan (East) and on plot reserved for private garden within the jurisdiction of the Corporation.

3. The petitioner has placed on record the several complaints made by it in regard to such constructions and encroachments.

4. The Corporation, is required to examine such complaints and thereafter, take action in accordance with the law. Such action, will no doubt, involve, affording opportunity of hearing to all affected parties. However, it is necessary that action in accordance with law is initiated in the matter.

5. Accordingly, we direct the Corporation to treat this Petition itself as a complaint, in addition to the complaints already made by the petitioner and thereafter, to take action in accordance with law. It is clarified that the Corporation shall comply with the prescribed procedures and adhering with the principles of natural justice and fair play.

6. The Corporation to endeavor to complete such action within a period of three months from today.

7. With the aforesaid directions, this PIL is disposed of.

8. All concerned to act on the basis of authenticated copy of this order.

[M. S. SONAK, J.]

[CHIEF JUSTICE]