

Sharayu Khot.

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

WRIT PETITION NO. 7368 OF 2018

Mr. Bharat Ganpat Padwal

...Petitioner

Versus

The Thane Municipal Corporation & Ors. ...Respondents

Mr. Sagar Anant Joshi, for the Petitioner.

Mr. Arvind Aswani, i/by Mr. J.G. Reddy, for the Respondents
No. 1 and 2.

**CORAM : ABHAY S. OKA AND
RIYAZ I. CHAGLA, JJ.**

DATE : 11 July 2018

ORDER :

1. Not on board. Taken on board.

2. Heard the learned Counsel appearing for the Petitioner. The learned Counsel appearing for the Respondents seeks time. The Petitioner has made a representation dated 4th July 2018 to the 2nd Respondent pointing out that there is an unauthorised construction carried out. The limited grievance in the Petition is that the said complaint is not looked into and no action has been taken thereon.

3. Considering the limited grievance, we pass the following order:-

- (i) We direct appropriate authority the 1st Respondent to consider the said complaint after making a site visit;
- (ii) The action taken on the basis of the complaint shall be communicated to the Petitioner within a period of two months from today;

- (iii) We make it clear that this order shall not be construed to mean that the Respondents can demolish the structure complained without following due process of law;
- (iv) No action shall be taken by the Respondents without giving an opportunity of being heard to all the affected persons;
- (v) We make it clear that we have made no adjudication on the question as to whether the structure is unauthorized;
- (vi) The Petition is disposed of on above terms.

[RIYAZ I. CHAGLA J.]

[ABHAY S. OKA, J.]