

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

WRIT PETITION NO. 4477 OF 2019

Mrs.Sunita Madanmohan Khade	}	Petitioner
versus		
The Commissioner, Thane Municipal Corporation and Ors.	}	Respondents

Mr.Raju M. Yamgar for the petitioner.

Mr.R.S.Apte-Senior Advocate I/b. Mr.Mandar Limaye for respondent no.1.

Ms.A.P.Purav-AGP for State.

**CORAM :- S. C. DHARMADHIKARI &
B. P. COLABAWALLA, JJ.**

DATE :- APRIL 23, 2019

P.C. :-

1. In terms of the earlier order, the Municipal Corporation had placed on record a communication dated 5th April, 2019, by which, the Superintendent of Estates, Thane Municipal Corporation had informed the Law Officer of the Thane Municipal Corporation itself that presently the allotment of shops and galas to those affected by public projects cannot be made on account of the Code of Conduct in respect of the general elections. As soon as that comes to an end, the Municipal Corporation will start the process of allotment of galas and shops and Mr.Apte learned senior

counsel, on instructions, stated that the petitioner will definitely be allotted a gala or a shop near the Gaondevi Market.

2. The petitioner says on the other hand that the shop that is proposed to be allotted is small and not meeting the requirement of the petitioner who was carrying on business from the premises admeasuring 14.86 square meters and height of 12 feet. The description of the same is given in para 4(b) of the petition. To our query as to where is the permission given by the Municipal Corporation for this construction of the shop premises, the learned advocate appearing for the petitioner says that presently that is not in the petitioner's possession and he will search in the records maintained by him and produce it for perusal of the Municipal officials.

3. Mr.Apte maintains that what was constructed at the site and demolished and removed is an unauthorised construction. He relies upon page 16 of the petition in that behalf.

4. We do not enter into this controversy for we have seen public bodies extending concessions/benefits and granting larges even to the unauthorised occupants and persons committing gross illegalities. Be that as it may, they are policy makers and they are better equipped to deal with such issues. Since they have

assured the court that alternate premises are available and would be allotted to the petitioner in terms of instructions received by Mr.Apte, we leave the matter at that. In the event the petitioner produces the permission for construction carried out by him earlier, then, the Municipal Corporation will take an appropriate decision, but strictly in accordance with its policies.

5. We direct that the process of allotment of alternate premises shall be concluded by the Municipal Corporation within a period of four weeks from the date of communication of this order.

6. With the aforesaid directions, the writ petition is disposed of.

(B.P.COLABAWALLA, J.)

(S.C.DHARMADHIKARI, J.)