

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

*Amk*

PUBLIC INTEREST LITIGATION NO. 81 OF 2018

Pradip Chandrakant Indulkar .. Petitioner  
Vs.  
Municipal Corporation for City of  
Thane & Ors. .. Respondents

Mr. R. S. Datar i/b Ms. Gauri Godse for the Petitioner.  
Mr. N. R. Bubna for Respondent Nos.1 & 3.  
Mr. M. M. Pabale for Respondent Nos.2 & 4.

**CORAM : PRADEEP NANDRAJOG, C.J. &**  
**SMT. BHARATI DANGRE, J.**  
**DATE : 15<sup>th</sup> OCTOBER, 2019.**

**P. C. :**

1. Case pleaded in the Public Interest Litigation is that as per the Development Plan for the city of Thane, land bearing Tika No. 4, City Survey No.81 (Part), Sector 2, Station Road is reserved for a Garden and in spite thereof a building is being constructed which is contrary to the Development Plan.
2. Concededly the land ad-measures 12,139.38 sq. meters and construction effected thereon covers an area ad-measuring 726.126 sq. meters. The proposed user of the building is a recreational center.
3. As per Rule 54(g)(ii) of the DC Rules, 15% of an area comprised, *inter alia*, in a Garden can be used to construct pavilions, gymnasias, club houses and other structures relating to sports. The building proposed is a recreational building and will be used as a Gymnasium on the 1<sup>st</sup> floor

and Yoga Hall on the ground floor.

4. Thus, we find no illegality is committed and as a consequence thereof dismiss the Public Interest Litigation.

**[SMT. BHARATI DANGRE, J.]**

**[CHIEF JUSTICE]**