

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
PUBLIC INTEREST LITIGATION NO.62 OF 2018

Janardan Shankar Jaiswal .. Petitioner

Vs

The State of Maharashtra through
Ministry of Urban Development
Department & Ors. .. Respondents

...

Mr. Rakesh Agrawal with Mr. Parmeshwar A. Bhise and Mr. Neil Chetiyar for the Petitioner.

Mr. P.P. Kakade, Government Pleader with Mr. M.M. Pabale, A.G.P. for Respondent No.1.

Mr. S.D. Shinde for Respondent Nos.2 and 3.

**CORAM: PRADEEP NANDRAJOG, C.J. &
SMT. BHARATI DANGRE, J.**

DATED : 16TH OCTOBER, 2019.

P.C:-

1. The Petitioner, a law abiding citizen, having respect for the decrees and orders passed by the courts, a social activist and an environmentalist, has filed the instant Public Interest Litigation pleading that Respondent Nos.2 and 3 are not discharging their

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statutory duties under the Maharashtra Provincial Municipal Corporation Act, 1949 and Maharashtra Regional and Town Planning Act, 1966. It is pleaded that in May, 2017, the Petitioner saw encroachment on plot of land at Chikani Pada, Poona Link Road, Tisgaon Naka, Behind Prasad Hotel, Ramkrushna Bazar, Kalyan (East), which falls under 4J Ward No.90 of the Kalyan-Dombivali Municipal Corporation. The Petitioner learnt that unknown land mafia had encroached on the land and has commenced construction of a building which had reached the plinth level. He took a screenshot of the site on his mobile on 15th May, 2017 and dutifully wrote an email to the Commissioner of the Kalyan-Dombivali Municipal Corporation drawing his attention to the construction of a building at site. He followed it with a notice dated 5th June, 2017 stating that no action has been taken by Respondent Nos.2 and 3.

2. The instant Public Interest Litigation was filed praying that Respondent Nos.2 and 3 be directed to take action under the Maharashtra Provincial Municipal Corporation Act, 1949 and also under the Maharashtra Regional Town Planning Act, 1966.

3. We dispose of the Public Interest Litigation issuing a mandamus to Respondent Nos.2 and 3 to treat the instant Public Interest Litigation as a representation and after taking cognizance thereof, pass such orders as would be warranted under the Municipal and Town Planning statutes. If it is found that the

building is an unauthorized structure, the same shall be demolished.

4. The mandamus shall be complied with within eight weeks from today.

(SMT. BHARATI DANGRE, J.)

(CHIEF JUSTICE)