

JPP

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

PUBLIC INTEREST LITIGATION NO. 32 OF 2018

Mohankumar Sukku Maurya

... Petitioner

V/s.

State of Maharashtra through
Government Pleader and Ors.

... Respondents.

Mr. R.N. Kachave for the Petitioner.

Mr. M.M. Pabale, AGP for Respondents 1 and 2.

Ms. Swati Sagvekar for Respondents 3 and 4 - Corporation.

***CORAM : PRADEEP NANDRAJOG, C.J. &
N.M. JAMDAR, J.***

DATE : 26 APRIL 2019.

P.C. :-

Yet another Petition expressing helplessness against unauthorized constructions. The magnitude of the problem can be highlighted by referring to the pleadings in paragraph 6 of the Petition which reads as under :-

“6. It is also stated that, in year 2015 Assistant Commissioner of the Vasai Virar Municipal Corporation (VVMC) was suspended after being booked by Virar

Police for constructing building complexes using fake Commencement Certificates (CC), another official of the same rank has been implicated in an illegal construction scam. As per the FIR filed with Virar Police Station, Assistant Commissioner Neelam Nijai and two builders, Umesh Vithal Patil and Dinkar Pawar, illegally constructed 55 buildings on a plot reserved for a Nana Nani Park. Police have registered a case of fraud and cheating against all three accused. On 20th October, 2015 also VVMC Assistant Commissioner Sudhakar Sankhe had been booked in a similar case by the police and suspended by civic chief Satish Lokhande. The plot in question, Survey No. 125, is in Manvelpada, Virar (E), the two builders encroached upon it in 2008 to construct around 55 buildings where nearly 400 families have purchased flats since 2009. Bogus Non Agricultural (NA) certificates and CCs were used to get the required civic approvals. These families could now be rendered homeless if the illegal structures are demolished.”

2. It is further pleaded in paragraph 7 that Respondents 5 and 6 have also unauthorizedly constructed buildings at Mauje Pelhar, Sopara Phata, Flyover Bridge at Survey No.1 36 and 137.

3. It is pleaded that the Municipal Commissioner of Vasai Virar Municipal Corporation, District Palghar turns a blind eye to the activity of Respondent Nos. 5 and 6.

4. It is pleaded that on 02.05.2017, 29.05.2017 and 03.08.2017, representations were addressed to the Commissioner.

The grievance is that the Commissioner turns a blind eye to the same.

5. We dispose of the Petition directing the Municipal Commissioner, Vasai Virar Municipal Corporation to treat the Petition and its annexures as a representation to him. The Commissioner shall summon the records of the Engineering Department which has to sanction constructions in the Municipal limits. The Commissioner shall decide whether the structures are authorized or not. If the structures are unauthorized, the same shall be demolished.

6. Within six months from today, the Commissioner, Municipal Corporation, Vasai Virar would intimate his decision to Ms. Swati Sagvekar, who shall ensure that the Commissioner complies with the mandamus issued by this Court.

N.M. JAMDAR, J.

CHIEF JUSTICE