

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Amk

PUBLIC INTEREST LITIGATION NO. 18 OF 2018

Harishchandra Govind Patil

.. Petitioner

Vs.

Vasai Virar City Municipal Corporation
& Ors.

.. Respondents

Mr. S. S. Redekar for the Petitioner.

Ms. Nisha Mehra, AGP for Respondent-State.

CORAM : PRADEEP NANDRAJOG, C.J. &
N. M. JAMDAR, J.
DATE : 25th JUNE, 2019.

P. C. :

1. This is a Public Interest Litigation and for the order we propose to pass, it is being disposed of without any notice being issued.
2. It is the case of the Petitioner that land comprised in Survey Nos. 155 and 156 at village Navale, District Palghar is a plantation zone.
3. Respondent Nos.2 to 5 have constructed a building without obtaining necessary sanction from the competent authority. As per the Petitioner, the construction has been made on a 90 feet wide road as per the development plan.
4. Annexed as Annexure 'D' to the Public Interest Petition and corresponding pleadings to said Annexure 'D', in paragraph 8 of the Public Interest Petition it is pleaded that on 18.07.2017 the Assistant Commissioner, Engineering Department of Vasai Virar Municipal

Corporation issued a notice to Respondent Nos.2 to 5 recording therein that the building was not sanctioned. The notice contains a direction to stop further construction. The notice records that the said Respondents would be prosecuted for their illegal acts.

5. The grievance is to the said notice not being taken to its logical conclusion.

6. We dispose of the Petition directing the Petitioner to serve a copy of this Public Interest Petition together with an authenticated copy of the present order in the office of the 1st Respondent. We direct the Commissioner of the 1st Respondent to personally look into the matter. Call for the relevant file in which the notices annexed with the Public Interest Petition have been issued. The Commissioner shall ensure by passing necessary order that the notices are taken to their logical conclusion. If it is found that the building constructed by Respondent Nos.2 to 5 is an unauthorized construction, the same shall be demolished. Compliance with the mandamus issued shall be made by the Commissioner of the 1st Respondent within eight weeks of receiving a copy of the Public Interest Petition together with an authenticated copy of the present order from the Petitioner.

[N. M. JAMDAR, J.]

[CHIEF JUSTICE]