

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

PUBLIC INTEREST LITIGATION NO. 200 OF 2013

Smt. Aruna Gajanan Mirgal	}	Petitioner
versus		
Municipal Corporation of Thane	}	
and Ors.	}	Respondents

Ms.N.Prabhusalgaonkar for the petitioner-absent.

Mr.Mandar Limaye for respondent no.1.

**CORAM :- S. C. DHARMADHIKARI &
R. I. CHAGLA, JJ.**

DATED :- JANUARY 22, 2020

P.C. :-

1. This PIL has been brought at the instance of a resident within Thane Municipal Corporation limits. She has complained that excess Floor Space Index (FSI) has been utilised in construction activities by the Builder and Developer and the Municipal Corporation itself admits that such utilisation has caused loss in money and to the tune of Rs.365 crores. The request is to recover this loss from the concerned Developer.

2. The affidavits have been filed by not only the Municipal Corporation, but respondent nos. 5 and 6. They have denied the allegations. They have said that this PIL is an arm twisting tactic

to knock out money from them. They have, apart from such serious allegations, complained that the petitioner has not carried out a proper study, much less a research. There is no over-utilisation of FSI. The details that have been provided from para 11 of this affidavit reveal that there is a redevelopment of a plot of land occupied by slum dwellers. The plot is a Government land in village Panchpakhadi, Sector No.II, Ward No.69 at Town Planning Scheme No.1, Final Plot No.320, Thane (W). After the proposal submitted for redevelopment under a Slum Rehabilitation Scheme was considered favourably, an application was submitted on 26th September, 2009 seeking permission to develop the plot of land by constructing six buildings, out of which, buildings R-1 to R-4 are meant for rehabilitation. They are thus to be allotted to eligible slum dwellers free of cost. This is a rehabilitation component of the package. Now, the sale components are two buildings. The respondent-concerned Builder and Developer, on 7th May, 2010 applied for amendment to the original plan. The Builder and Developer sought Commencement Certificate to commence the work. The Municipal Corporation issued the Commencement Certificate for the rehab buildings. Thereafter, the amended plans were sanctioned and the construction as per the amended plans has been carried out. The Builder and Developer requested for the benefits in terms of the Development Control Regulations and even

they were granted. It is in these circumstances that it is stated that Letter of Intent (LOI) issued by the Slum Rehabilitation Authority, based on which all the permissions and approvals have been granted, resulted in the construction activity with the details pointed out in this affidavit.

3. We have not seen any rejoinder affidavit of the petitioner to this affidavit of the Builder and Developer so also the affidavit of the Municipal Corporation.

4. After both affidavits are carefully perused by us, we do not think that we should pursue this PIL any further. More so, when the PIL petitioner and her advocate are not present to render us any assistance.

5. The PIL is, therefore, disposed of. There would be no order as to costs.

(R.I.CHAGLA, J.)

(S.C.DHARMADHIKARI, J.)