

R.M. AMBERKAR
(Private Secretary)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3401 OF 2021

Vilas Sakharam Patil & Ors.

.. Petitioners

Versus

Ambernath Municipal Council through its Chief
Officer & Ors.

.. Respondents

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- Mr. D.S. Pagare for the Petitioners
 - Mr. Prashant Kamble i/by Mr. A.S. Rao for Respondent No. 1
 - Mr. S.S. Panchpor i/by Ankit Dhindale for Respondent No. 3
 - Ms. S.D. Vyas, 'B' Panel Counsel for the State
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**CORAM : S.J. KATHAWALLA &
MILIND N. JADHAV, JJ.**

DATE : SEPTEMBER 24, 2021.

P.C.:

The above Writ Petition is filed by the Petitioners, *inter alia*,
seeking the following reliefs:-

- "(a) That this Hon'ble Court be pleased to issue Writ of Mandamus, orders, directions or any other appropriate Writ in that nature directing Respondent No. 1 to forthwith demolish the unauthorized construction of ground plus one floor building constructed by Respondent Nos. 2 and 3 on open plot of land bearing City Survey No. 2113 situated at Village Kohoj Taluka Ambernath District Thane and within the jurisdiction and territorial limits of Ambernath Municipal Council.
- (b) That this Hon'ble Court be pleased to issue Writ of Mandamus, orders, directions or any other appropriate Writ in that nature directing Respondent No. 1 to furnish the information by Petitioners by Application dated 27th January, 2021 filed under the provisions of Right to Information Act, 2005.
- (c) That this Hon'ble Court be pleased to issue Writ of Mandamus, orders, directions or any other appropriate Writ in that nature directing Respondent No. 1 to initiate necessary disciplinary against the concern officers, who utterly failed and neglected in performing

their official duties by protecting the said unauthorized construction / building.

- (d) That this Hon'ble Court be pleased to issue Writ of Mandamus, orders, directions or any other appropriate Writ in that nature directing Respondent No. 1 to take appropriate action against Respondent No. 2 and 3 as per the representation dated 11th January, 2021 and 20th February, 2021 filed by the Petitioners with Respondent No. 1."

2. Though the Petitioners and Respondent No. 1 - Ambernath Municipal Council states that Respondent No. 3 has carried out illegal construction as set out in the Petition, learned Advocate appearing for Respondent No. 3, on instructions, refutes the said allegation by his affidavit dated 16.09.2021. In view thereof, we direct Respondent No. 1 - Ambernath Municipal Council to give a hearing to the Petitioners as well as to the Respondent No. 3 and thereafter take action in accordance with law. The entire exercise shall be completed within a period of eight weeks from today.

3. This order is passed without going into the merits of the matter and therefore, should not be construed to have been passed in favour of or against any party to the above Writ Petition.

4. All contentions of the parties are kept open.

5. The above Writ Petition is accordingly disposed off.

[MILIND N. JADHAV, J.]

[S. J. KATHAWALLA, J.]