

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4212 OF 2021

Ajay Manik Mhatre and another ... Petitioners

Versus

Gram Panchayat, Nagaon and others ... Respondents

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Mr. G.T. Kanchanpurkar alongwith Mr. Rakesh Patil instructed by Mr. Rahul Thakur for the Petitioners.

Ms. S.D. Vyas, 'B' Panel Counsel for the State.

Mr. Kaustubh Patil for Respondent No.1.

Mr. Rohit Sakhdeo instructed by Sakhdeo and Associates for Respondent No.6.

Mr. Ashish Varma for Respondent Nos.7, 8 and 9.

Mr. Jitendra Jagtap for respondent No.10 – MPCB.

Mr. Chetan Gaikwad, Sarpanch, Gram Panchayat, Nagaon, Uran, present.

Mr. Kiran Keni, Gram Sevak, Gram Panchayat, Nagaon, Uran, present.

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**CORAM : S.J. KATHAWALLA AND
MILIND N. JADHAV, JJ.**

DATED : NOVEMBER 16, 2021.

P.C. :-

1. By the above Writ Petition, the Petitioners seek the following reliefs :

(a) That this Hon'ble Court may be pleased to direct the Respondents No.2 &3 herein direct an inquiry into the various illegal constructions in Village Nagaon, more particularly the constructions made by Respondents No.7, 8 & 9 being 'Sai Kripa Complex', 'Shri Niwas Apartment Co-op. Hsg. Soc. Ltd.' and 'Laxmi Apartment' in Village Nagaon of Taluka Uran and direct the Respondents No.2 & 3 to demolish these illegal constructions made by Respondents No.7, 8 & 9.

(b) That this Hon'ble Court may be pleased to issue a Writ in the nature of Mandamus or any other Writ in the nature of Mandamus directing the Respondents No.2 & 3 to initiate an inquiry against the Respondents

No.1, 4 & 5 for their active participation and aiding and abatement of illegal constructions in Village Nagaon, Taluka Uran, District - Raigad."

The Petitioners are not pressing prayer clause (c).

2. In the said prayers, no particulars are given as to exactly where the unauthorized constructions are put up. The Petitioners are only relying on the photographs. No reliefs can be granted on the basis of photographs. However, the Petitioners have agreed to make representation before Respondent No.2 - Collector, District Raigad, within a period of four weeks from today. Upon such representation, the Respondent No.2 - Collector, District Raigad shall hear all the concerned parties and pass a speaking order within a period of four weeks thereafter, and shall take action by following due process of law. The above Writ Petition is accordingly disposed off. All contentions of the parties are kept open.

(MILIND N. JADHAV, J.)

(S.J. KATHAWALLA, J.)