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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

VASANT
ANANDRAO
IDHOL

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Date: 2022.09.30
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WRIT PETITION NO.10540 OF 2022

Krishna H. Madhavi

...Petitioner

V/s.

The Commissioner,
Thane Municipal Corporation & Ors.

...Respondents

Mr.Sanjiv A. Savant with Ms.Samiksha S. Mane i/b Mr.Heram S. Kadam for the Petitioner.

Mr.Ajit R. Pitale for the Respondent Nos.1 to 3 – T.M.C.

Mr.D.S. Mhaispurkar with Mr.H.S. Pawawkar with Mr.S.M. Mangaonkar for the Respondent No.4.

CORAM : R.D. DHANUKA &
KAMAL KHATA, JJ.
DATE : 29TH SEPTEMBER, 2022.

P.C. :-

1. The petition can be disposed off by consent of the parties by passing the following order :-

a). The petitioner has made representation on 25th July, 2022 to the respondent nos.1 to 3 which is annexed to the petition. The respondent no.4 shall be at liberty to file his say to the said representation within two weeks from today before the respondent no.2. A copy of such say that would be filed by the respondent no.4 to the said representation should be served upon the petitioner also.

b). The respondent no.2 shall consider the said representation after granting personal hearing to the petitioner and the respondent no.4 and shall pass appropriate order within four weeks from the date of personal hearing and shall communicate the order, that would be passed within one week from the date of passing such order to both the parties. The Municipal Corporation shall consider and decide whether any illegal structure on the land bearing CTS No.140/5 admeasuring 12.5 Gunthas of Datiwali, Taluka and District Thane is constructed, as alleged by the petitioner or not.

c). If the order that would be passed by the respondent no.2 is adverse against the respondent no.4, the same shall not be enforced for a period of two weeks from the date of communication of the order. It is made clear that this Court has not expressed any view on the representation made by the petitioner.

d). The petitioner as well as the respondent no.4 are directed to remain present before the respondent no.2 on 10th November, 2022 at 11:00 a.m.

e). It is made clear that neither the petitioner, nor the respondent no.4 shall carry out any construction without prior sanction of the Municipal Corporation.

f). All the contentions of the parties are kept open.

2. The writ petition is disposed of in the aforesaid terms.

There shall be no order as to costs. All parties to act on the authenticated copy of this order.

(KAMAL KHATA, J.)

(R.D. DHANUKA, J.)