

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

PUBLIC INTEREST LITIGATION NO.131 OF 2022

Krishna Dadu Patil
V/S
Thane Municipal Corporation & Ors.

....Petitioner
....Respondents

...
Mr. Sandesh Patil i/b. Mr. Chintan Y. Shah for Petitioner.
Mr. Anand S. Kulkarni for Respondent No.1 – TMC.
Mr. Akshay S. Deshpande for Respondent No.2-Builder.
Mr. Nivit Srivastava a/w Mr. Saurabh Kshirsagar i/b. Mr. Maniyar
Srivastava Associates for Respondent No.3.
Mr. P. P. Kakade, GP a/w. Mrs. R. A. Salunkhe, AGP for State-
Respondent Nos.4, 5 and 7.

...
**CORAM: S.V. GANGAPURWALA, ACJ &
SANDEEP V. MARNE, J.**
DATE : 9TH FEBRUARY 2023.

P.C.:

1 We have heard Mr. Patil, the learned Advocate for the Petitioner and the learned Advocates for the respective Respondents.

2 Mr. Patil, the learned Advocate for the Petitioner submits that the writ land was reserved for Municipal School, however, now the Respondents have changed the same. The Government land has been allotted to Respondent No.2 and Respondent No.2 without permission has transferred it to Respondent No.3. The same is illegal and against the provisions of the Maharashtra Regional Town Planning Act and the provisions of the Maharashtra Land Revenue Code.

3 According to the learned Counsel for the Petitioner the part of the land is Adiwasi land, the same could not be transferred in view of the sections 36 and 36A of the Maharashtra Land Revenue Code.

4 It has been brought to the notice by the learned Advocate for the Respondent No.3 that the lease deed executed by Respondent No.2 in favour of Respondent No.3 without the permission of the Collector has been regularized on certain terms and conditions. It has been stated by the learned Advocate for the Respondent that an amount of Rs.6,33,06,123/- was directed to be deposited by the Tahasildar and the same has been deposited.

5 In view of that the transaction between Respondent No.2 and 3 need not be gone into. If the Petitioner is any grievance, the Petitioner is at liberty to take appropriate steps in that regard.

6 In view of the above, the PIL is disposed of. No costs.

(SANDEEP V. MARNE, J.)

(ACTING CHIEF JUSTICE)

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signed by
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KATKAM
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