



Sumedh

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 3602 OF 2023

Ravi Steel Industries

...Petitioner

Versus

State of Maharashtra & Ors

...Respondents

Mr Bhushan Deshmukh, *with Shivangi Kedia & Krushang Kedia,*
i/b Girish Kedia for the Petitioner.

Ms Molina Thakur, AGP, *for State Respondent Nos.1, 5 & 6-State.*

Mr SV Gavand, *for Respondent No. 4.*

Mr Akshay Kulkarni, *i/b Ashutosh Kulkarni, for Respondent No. 2.*

Mr Prashant Chavan, *with Poonam Sheth, i/b Poonam Sheth, i/b*
Navaldeep Vora & Associates, for Respondent No. 3 MIDC.

CORAM G.S. Patel &
Kamal Khata, JJ.

DATED: 22nd August 2023

PC:-

1. We note that the notice of this Petition was issued to Respondent No. 8 by an order dated 13th June 2023. The notice was returnable on 4th July 2023. The office report of 18th August 2023 shows that as per the bailiff's report Respondent No. 8 has been duly served. Yet none appears for Respondent No. 8.

2. The Petition can be disposed of with a direction to the Panvel Municipal Corporation to remove the unauthorised weigh bridge

said to have been put up by Respondent No. 8. Our attention is drawn to an RTI query filed by the Petitioner and the responses. This is at Exhibit 'D' at page 56 with the translation at page 57. The plot in question is Survey No.24/1-A,B,C, Motiram Patil Compound, Opp. MIDC Plot No.L-135, Taloja, Village Tondhare, Taluka Panvel, District Raigad, Navi Mumbai - 410208. The RTI query says clearly that there is no application for the construction of this weigh bridge by Respondent No.8, no permission has been granted and no NOC has been obtained from the Panvel Municipal Corporation.

3. We are told that the Panvel Municipal Corporation has issued a notice under Section 53(1) of Maharashtra Regional and Town Planning Act, 1966 on 15th June 2023. We are almost in September 2023. That notice has been served but no response has been received. the PMC cannot wait indefinitely just because a notice has been issued. It must proceed in accordance with law to remove the unauthorised structure.

4. The Petition is thus disposed of with an order in terms of prayer clause (b) at page 27 with a direction being issued to Respondent No. 4. Prayer clause (b), as modified by us to be directed against Respondent No.4, reads thus:

“(b) This Hon’ble Court be pleased to issue writ of mandamus or any other appropriate order and direction in the nature of mandamus thereby directing the Respondents No.4 ~~2 to 7~~ to forthwith remove and demolish the illegal

and authorized construction of the Weigh bridge constructed by the Respondent No.8 on the plot bearing Survey No.24/1-A,B,C, Motiram Patil Compound, Opp. MIDC Plot No.L-135, MIDC, Taloja, Village Tondhare Taluka Panvel, District Raigad, Navi Mumbai-410 208, since as per the Development Plan, the Development Control Permissions, no construction of or use or occupation and operation of Weigh-bridge is permissible on the said plot and submit the necessary compliance report before this Hon'ble Court."

5. If necessary, the City and Industrial Development Corporation ("CIDCO") will provide the necessary assistance to the Panvel Municipal Corporation and, if any, formal permission is required from CIDCO, this will be processed in accordance with law.

6. List the matter for compliance on 12th September 2023.

(Kamal Khata, J)

(G. S. Patel, J)