

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

PUBLIC INTEREST LITIGATION NO.92 OF 2022

Sidheshwar Maogalppa Kamurti
V/S
The Bhiwandi Group Vividh Karyakari
Seva Sahakari Soc. Ltd. & Ors.
...
....Petitioner
....Respondents

Dr. Ramdas P. Sabban for the Petitioner.
Mr. Girish Togani for Respondent Nos.1 to 3.
Ms. Sucheta D. Ghaisas for Respondent No.9.
Mr. P.P. Kakade, GP a/w Mr. R.P. Kadam, AGP for Respondent-State.
...

**CORAM: S.V. GANGAPURWALA, ACJ &
SANDEEP V. MARNE, J.**
DATE : 30 JANUARY 2023.

P.C.:

1 Heard Mr. Sabban, the learned Advocate for the Petitioner and the learned Advocate for the Respondents.

2 The grievance is that illegal construction has been carried out by Respondent No.1 and its members. The Respondent-Corporation has issued notices but no further action has been taken. According to the learned Counsel the status quo order granted by the Civil Court is protecting the structures that may come in the way on account of road

widening and not further. The temporary permission was granted to construct 14 cabins but permanent structures are erected in RCC.

3 The contention of the Respondent/State is that the land in question is a Government property.

4 Some order appears to have been passed in the Civil Suit filed by the Petitioner bearing Regular Civil Suit No.482 of 2021. The Respondent-Corporation can challenge the said order by filing appropriate proceedings.

5 The order of the status quo is in force and any order passed herein would be contrary to the order of status quo.

6 In case, the construction of the Respondent No.1 is not covered by the order of status quo then the Respondent Corporation can proceed further with regard to the said property. It is for the Respondent-Corporation to take steps. The Respondent-Corporation is also duty bound to supervise the construction being carried out and not to allow illegal constructions being carried out without permissions. If some further illegal construction is being done by the Respondent No.1 or anybody claiming through Respondent No.1, then the Respondent-Corporation may act immediately.

7 The Respondent-Corporation is also at liberty to take further steps with regard to the order of status quo passed by the Civil Court, depending upon the further orders passed the Corporation may take further steps.

8 The PIL accordingly stands disposed of with aforesaid observations.

(SANDEEP V. MARNE, J.)

(ACTING CHIEF JUSTICE)