

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.6892 OF 2022

1. Harish Premji Vikam	]
2. Shakuntala K. Punamiya	]
3. Sheelvati S. Dandekar	]
4. Dhanji H. Gala	]
5. Praful Premji Kenia	]
6. Ishwarlal Ravji Gala	]
7. Dhiraj Nanchand Shah	]
8. Parvati H. Shah	] .. Petitioners

Vs.

1. State of Maharashtra,	]
Through the Chief Secretary,	]
Urban Development Department	]
2. The Commissioner,	]
Thane Municipal Corporation, Thane	]
3. The Deputy Commissioner,	]
Encroachment Department,	]
Thane Municipal Corporation, Thane	]
4. The Assistant Commissioner,	]
Naupada & Kopari Prabhag Samiti,	]
Thane Municipal Corporation, Thane	] .. Respondents

Mr. Sandeep Mishra, i/by Mr. Ganesh Jha, for the Petitioners.

Mr. A.A. Alaspurkar, AGP for Respondent No.1-State.

Mr. Mandar Limaye for Respondent Nos.2 to 4-MCGM.

**CORAM : A.S. CHANDURKAR &
M.W. CHANDWANI, JJ**

DATE : 21ST FEBRUARY, 2023.

ORAL JUDGMENT : { Per A.S. Chandurkar, J. }

1. Rule. Rule made returnable forthwith. Heard learned counsel for the parties considering the short issue involved.

2. The petitioners claim to be owners of a portion of the land bearing CTS No.91/2, admeasuring about 1,065 sq.mtrs., situate at Naupada, Gokhale Road, Thane (West). It is their grievance that activities of unauthorized construction have been undertaken on the said land owned by them. In that regard, the petitioners, on 3rd June 2021, had issued a notice to the Municipal Authorities – respondent nos.2 to 4, calling upon them to take necessary action against the alleged unauthorized construction in accordance with law. Since cognizance of the said complaint has not been taken till date, this writ petition has been filed.

3. In the light of the aforesaid facts, the interest of justice would be served by passing following order :-

- (i) Respondent no.4 is directed to consider the grievance made by the petitioners in the notice dated 3rd June 2021 by granting opportunity of hearing to all the parties, who are likely to be affected by any action, if proposed to be taken.

- (ii) Since a period of almost two years has elapsed since issuing the notice, the necessary decision be taken within a period of three months from the date of receipt of this order.
- (iii) All contentions of either parties are kept open for being raised, if occasion arises.

4. Writ Petition is disposed of in the aforesaid terms. Rule accordingly. No costs.

[M.W. CHANDWANI, J.]

[A.S. CHANDURKAR, J.]