

Ashwini

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 10115 OF 2023

Subhash Balu Vaskar

...Petitioner

Versus

State of Maharashtra Through Secretary & Ors

...Respondents

Ms Neeta Karnik, for the Petitioner.

**Mr Ram Apte, Senior Advocate, with Chaitrali Deshmukh, for
Respondents Nos. 3 to 5 (TMC).**

Mr YD Patil, AGP, for the Respondent-State.

Mr Manish Joshi, Deputy Commissioner, Zone-I, TMC, present.

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

DATED: 19th October 2023

PC:-

1. The matter may be brought to a satisfactory close taking on record the statement dated 18th October 2023 signed by the Deputy Municipal Commissioner of the Thane Municipal Corporation (“TMC”). This, along with photographs, is tendered by Mr Apte, learned Senior Advocate for Respondents Nos. 3 to 5. The compilation is taken on record and marked “T1” for identification with today’s date.

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2. The note records that there were two structures “A” and “B”. Structure “A” was ground plus two floors. It has been entirely demolished. Structure “B” known as Anam Palace was a ground and eight floor structure. Families were evacuated. The structure was demolished in this fashion:

- I. The slabs of all eight floors have been demolished;
- II. The Mild Steel shed structure on the terrace has been removed and demolished;
- III. As many internal walls as was possible have been demolished;
- IV. The shutters and walls of shops on ground floor have been demolished;
- V. Electricity and water supply to the structures is permanently disconnected.

3. The reason that the entire structure is not removed is also set out. To the west is a mosque in close proximity to Anam Palace. It shares a compound wall. Also, on the west lies a transformer at a distance of no more than 1.5 meters. On the south side of the structure there is in close proximity a residential building. Anam Palace was exposed to and suffered from vibrations because of the heavy hammering on structure “A”. Anam Palace suffered extensively. A technical structural stability report of Anam Palace says that it is in dilapidated condition and uninhabitable, but no further demolition should take place. We understand that this is necessary to prevent collateral damage to the mosque, the residential building, the transformer etc. As it happens ,Anam

Palace is clearly uninhabitable. This is also shown from the photographs that are part of the compilation “T1” tendered to us today.

4. Although we made an observation in paragraph 10 of our dated 10th October 2023, we do not see what purpose would be served by keeping this Petition pending for that purpose. It is sufficient to direct that the TMC will now undertake a systematic programme to identify and take suitable action in accordance with The Maharashtra Municipalities Act 1965 against all structures that are unauthorised or illegal within its jurisdiction. Further, the Anam Palace structure and site is not to be permitted to be used again without proper permissions from the planning authority.

5. The Petition is disposed of in these terms. No costs.

(Kamal Khata, J)

(G. S. Patel, J)