

Anand

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

WRIT PETITION NO. 7338 OF 2021

Daulati Charudatta Dhage & ors. .Petitioners

Vs.

The Commissioner, Thane Municipal Corporation & ors. .Respondents

**WITH
WRIT PETITION NO. 7946 OF 2021**

Motilal Hargovind Chourasiya & ors. .Petitioners

Vs.

The Commissioner, Thane Municipal Corporation & ors. .Respondents

Ms Nishtha Garg i/b. Ms Sonali S. Sase, Advocate, for the
Petitioners in both matters

Mr. Ajit Pitale, Advocate, for Respondent Nos. 1 & 2 in W. P. No.
7338 of 2021

Mr. A. S. Kulkarni, Advocate, for Respondent Nos. 1 & 2 in W. P.
No. 7946 of 2021

Mr. A. A. Alaspurkar, AGP, for Respondent No. 3 – State

**CORAM : S. B. SHUKRE AND
M. W. CHANDWANI, JJ.**

DATE : 12 JANUARY 2023

P. C.

. During pendency of the Petitions, the buildings in question have been demolished. Therefore, the prayers (a) and (b) which are the main prayers made in the Petitions have been virtually rendered infructuous. Even then this Court

(Coram : A. A. Sayed & S. G. Dige, JJ.) vide order dated 28.10.2021 directed the Corporation to decide representations of the Petitioners in accordance with law, whereby the Petitioners are claiming commercial units of the area occupied by them in the old building, now demolished.

2. Learned counsel for the Corporation has placed before us the communication dated 09.01.2023 together with the order dated 17.11.2021 passed by the Assistant Commissioner, Thane Municipal Corporation in compliance with the order passed by this Court on 28.10.2021. Both these documents are taken on record and marked as 'A1' and 'A2' for the purpose of identification. On going through the documents, being 'A1' and 'A2', we find that the Corporation has passed cryptic order without considering all the relevant aspects of the matter and the only ground on which the representations have been rejected is that under the present policy, there is no provision for providing an alternate accommodation in lieu of an old accommodation. In fact, the occupiers of the old building, generally, would be entitled to the alternate accommodation or some compensation quantified for the area in occupation in the old building. This aspect of the matter has not been considered by

the Corporation.

3. We, therefore, quash and set aside the order ('A2') dated 17.11.2021 passed by the Assistant Commissioner, Thane Municipal Corporation and direct the Corporation to take appropriate decision in the matter after hearing all the concerned persons in accordance with law, on the representations filed by the Petitioners, as expeditiously as possible and preferably within a period of eight weeks from the date of receipt of this order.

4. The Petitions are disposed of in the above terms.

(M. W. CHANDWANI, J.)

(S. B. SHUKRE, J.)