

(Corrected as per order dated 27.3.2023)

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

WRIT PETITION NO.6483 OF 2021

Smt. Sylvina M. Carvalho ... Petitioner.

Vs.

Thane Municipal Corporation
& Anr.

... Respondents.

....

Mr. Mayuresh S. Lagu for the Petitioner.

Mr.N.R.Bubna for Respondent No.1.

....

**CORAM : G.S.KULKARNI &
R.N.LADDHA, JJ.**

DATE : 16 MARCH, 2023.

.....

P.C. :

1. The grievance of the petitioner is, that notices are already issued by the Respondent/Corporation u/s 268(1)(2) and (3) of the Bombay Provincial Municipal Corporations Act, 1949, in regard to the unauthorised construction undertaken by one Shri Shamsuddin Solkar. It is contended that no action has been taken so far by the Municipal Corporation to remove/demolish the unauthorized construction. Our attention is drawn to the notices dated 17.1.2012, 19.1.2012, 17.7.2012, as also a

complaint made on 4.9.2015 by the petitioner, 25.10.2018, 21.2.2019, lastly 24.7.2019 being the reminders.

2. Mr.N.R.Bubna, learned Counsel for the Respondent-1/ Thane Municipal Corporation, on instructions, makes a statement that as notices are issued, the same would be taken to its logical conclusion, in accordance with law.
3. We are of the opinion, that as notices need to be acted upon by taking appropriate action in accordance with law. Needless to observe that we have not examined any of the rights of Shri Shamsuddin Solakar. He is free to agitate his rights against the Municipal Corporation in the event he asserts that the construction is not unauthorised and defend any such action of the Municipal Corporation.

3(a) List the proceeding for compliance after 6 weeks.

4. The petition is disposed of, in above terms.

5. No costs.

[R.N.LADDHA, J.]

[G.S.KULKARNI, J.]