

Sumedh

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 76 OF 2024

Sylvina Marian Carvalho Thr POA ...Petitioner
Versus
Thane Municipal Corporation Thr Its ...Respondents
Commissioner & Ors

WITH
WRIT PETITION NO. 118 OF 2024

Sylvina Marian Carvalho Thr POA Harold ...Petitioner
Marian Carvalho
Versus
Thane Municipal Corporation Through Its ...Respondents
Commissioner & Ors

Mr Mayuresh Lagu, i/b Sagar Patil, for the Petitioner in both WPs.
Mr AA Alaspurkar, AGP, for the Respondent Nos. 5 & 6-State in
WP/76/2024.
Mr Kedar Dighe, Addl GP, with SS Bhende, AGP, for Respondents
Nos. 5 & 6-State in WP/118/2024.
Mr Narayan Bubna, for Respondents Nos. 1 to 4-TMC, in both WPs

CORAM M.S. Sonak &
Kamal Khata, JJ.
DATED: 18th June 2024

PC:-

1. Heard learned counsel for the parties.

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2. Mr Lagu states that in Writ Petition No. 76 of 2024 the service upon the 7th Respondent is returned with the remark 'unclaimed'. The 8th Respondent has however be duly served. In Writ Petition No. 118 of 2024, Mr Lagu states that all the Respondents have been duly served except Respondent No. 7.

3. For the order that we propose to make, service upon the private Respondents is really not necessary.

4. The Petitioner's limited grievance in both these Petitions are the private Respondents have carried out some illegal constructions and despite complaints, the Thane Municipal Council ("TMC") is not initiating any action.

5. The Petitioner's complaint has been annexed to the Petition. Considering the allegations made therein but without accepting such allegations at this stage, we direct the TMC to cause an inspection at the site and if there is prima facie merit in the allegations to take action in accordance with law. If any adverse action is proposed to be taken against the private Respondents who are alleged to have put up the illegal constructions, the principal of natural justice and fair play must be followed.

6. The above action must be completed on or before 16th July 2024. The TMC must communicate its decision to the Petitioner on or before 16th July 2024.

7. The TMC must however file and served its compliance report in this Court by 23rd July 2024.
8. Both these Petitions are disposed of in the above terms without any order for costs.
9. All concerned to act upon authenticated copy of this order.

(Kamal Khata, J)

(M. S. Sonak, J)