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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 6619 OF 2024

Sachin Vinayak Gharat, Partner of M/s. ...Petitioner
Tarang Developers
Versus
State of Maharashtra and ors. ...Respondents

Mr. Sandeep Mishra, *for the Petitioner.*
Mrs. Rupali Shinde, *AGP for the State.*
Mr. Narayan Bubna, *for the Respondent Nos.2 to 4 (TMC).*

CORAM M.S. Sonak &
Kamal Khata, JJ.
DATED: 11th June 2024

PC:-

1. Heard Mr. Sandeep Mishra, learned counsel for the Petitioner and Mr. Narayan Bubna, learned counsel for the TMC.
2. The limited grievance in this Petition is that the Thane Municipal Corporation (TMC), based on the Petitioner's complaint, issued notices under Section 260(1)(2) of the Maharashtra Municipal Corporation Act, 1949 (the MMC Act) to not less than 31 persons who have allegedly put up illegal constructions on the property that is the subject matter of this Petition, but the same are not being taken to their logical conclusion.

3. The record reveals that the TMC has issued notices under Section 260(1)(2) of the MMC Act requiring the persons who have allegedly put up illegal constructions to show cause as to why such constructions should not be demolished at the cost of such parties. Such notices were issued on 06th February 2024, but it appears that there has been no progress in the matter since then.

4. The TMC, after being prima facie satisfied that illegal constructions had been put up, issued the notices dated 06th February 2024. Accordingly, it is now the duty of the Municipal Commissioner to at least take these notices to their logical conclusion and dispose of them in one way or another. For this, the TMC will no doubt have to grant an opportunity of hearing to the noticees. In the peculiar facts of the present case, the TMC should also hear the Petitioner. We direct accordingly.

5. The above exercise must be completed by 06 August 2024. The notices dated 06 February 2024 must be disposed of in accordance with law and on their own merits by 06 August 2024. The petition is disposed of with this direction. However, having regard to past experience, we direct the TMC to file a compliance report in this Court by 9th August 2024.

6. List the matter on 09th August 2024 for reporting compliance.

7. The Commissioner of TMC will be personally responsible for implementing this order. Accordingly, if there is a delay in complying with this order for any reason, the Commissioner should file an affidavit explaining such a delay. However, we hope that such an occasion does not arise.

8. This Petition is disposed of in the above terms without any order for costs.

(Kamal Khata, J)

(M.S. Sonak, J)