



Darshan Patil

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 8481 OF 2024

Rustomejee Azziano Co-Op Hsg Society Ltd. ...Petitioner
Versus
Thane Municipal Corporation and Ors. ...Respondents

Mr. A.R. Kaushik a/w Mr. Rahul Singh, Mr. Arbaz Shaikh i/b
Legal Catalyst, for the Petitioner.
Mrs. M.P. Thakur AGP, for the State – Respondent No.4.
Mr. Mandar Limaye, for Respondents No. 1 and 2 (TMC).
Mr. Sandesh Deshpande, for Respondent No. 3.

CORAM M.S. Sonak &
Kamal Khata, JJ.
DATED: 14th June 2024

PC:-

1. Not on board. Upon mentioning taken on board.
2. Heard learned counsel for the parties.
3. The petitioner circulated this petition by citing an urgency. Learned counsel for the petitioner submitted in the morning session that the Thane Municipal Corporation (“TMC”) virtually commenced the demolition process of the common boundary wall from this morning. After this matter was taken up in the afternoon session, learned counsel for the TMC submitted that only a portion

of the compound wall was demolished. Because, in terms of the approved plans of 2023, the point of entry and exit were required to be provided.

4. Learned counsel for the third respondent - Developer makes a statement that such demolition was necessary to align the compound wall with the revised plans of 2023. He submits that there is no proposal to demolish any further portion of the compound wall.

5. Learned counsel for the petitioner states that the petitioner has made a representation dated 07th June 2024 (at Exhibit 'E' of the petition) to the TMC. He, therefore, requested that this petition be disposed of by granting relief in terms of prayer clause (c) of the petition. Prayer clause (c) seeks appropriate writ to the TMC to consider and dispose of the petitioner's representation dated 07th June 2024 (Exhibit 'E') by granting a personal hearing to the members of the petitioner's society.

6. In this petition, there was no challenge to the 2023 plans. The demolition was only for aligning the compound wall with the revised plan. However, we have no difficulty in accepting the petitioner's counsel's request to direct the TMC to dispose of the petitioner's representation dated 07th June 2024 as expeditiously as possible and in any event within four weeks from today.

7. Accordingly, we direct the TMC to dispose of the petitioner's representation dated 07th June 2024 as expeditiously as possible and in any event on or before 12th July 2024.

8. TMC will also grant a personal hearing to any authorised representative of the petitioner, respondents No. 2, 3 and 5 and TMC must communicate its decision to the petitioners.
9. All contentions of all parties are left open. If the petitioners wish to file additional documents in support of their representation dated 07th June 2024, they are granted the liberty to do so within one week from today i.e. on or before 21st June 2024. The petitioners must also give copies of such documents to the third respondent.
10. Nothing in this order will preclude the petitioner from challenging the revised plan in accordance with law.
11. The Writ Petition is disposed of in the above terms.
12. There shall be no orders as to the costs.

(Kamal Khata, J)

(M.S. Sonak, J)