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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 12248 OF 2024

Medha Nitin Vaidya and ors. ...Petitioners
Versus
The State of Maharashtra and ors. ...Respondents

Dr Uday Warunjikar, *i/by Mr Sumit Kate for Petitioners.*
Ms M P Thakur, *AGP for the Respondents 1 to 3 - State*
Mr Arshad Shaikh, *Senior Advocate a/w Advocates Devansh Malhotra, Rajendra Jain, Vinsha Acharya, and Pranil Lahigade i/by for Respondent No.4*
Mr Vikram Patil, *Tahasildar present.*
Mr Sakharam Aaje, *Circle Officer present.*

CORAM M.S. Sonak &
 Kamal Khata, JJ.
DATED: 30 August 2024

PC:-

1. Heard learned counsel for the parties.
2. In this Petition, the Petitioners have alleged that the fourth Respondent has made an illegal construction.
3. In addition to the illegal construction by the fourth Respondent, the Petitioners have also placed on record some information which the Petitioners obtained under the Right to Information Act showing that there are several illegal and

unauthorised constructions including in particular commercial establishments, beach resorts, etc., in Alibaug and that Respondents 1 to 3 are not taking any action to remove such illegal and unauthorised constructions.

4. Ms Thakur learned AGP for the Respondents—State submitted that upon receipt of the Petitioners’ complaint, the Tahasildar/Circle Officer enquired into the matter and made a report recording certain prima facie irregularities.

5. Ms Thakur pointed out that the fourth Respondent was called upon to pay Rs.1,40,220/—as a penalty on 27 February 2024, which the fourth Respondent has not paid to date.

6. Ms Thakur pointed out that prima facie inquiries revealed that this house was constructed almost 20 years ago and is not used commercially. She also submitted that no permission was taken for non-agricultural use. To date, the fourth Respondent has also yet to produce any other permissions.

7. Accordingly, at the request of Mr. Shaikh, the learned Senior Counsel who appears for the fourth Respondent, we grant the fourth Respondent two weeks to file a detailed reply.

8. The Collector, Alibaug, is free to act following the law against the fourth Respondent’s structure.

9. In this case, we are concerned with the document the Petitioners placed on pages 40 to 57. This document, dated 27 January 2024, informs the Petitioners about several illegal

constructions at Nagaon Alibaug. The Talathi of Nagaon supplied this information to the petitioners.

10. The Collector, Alibaug, must file an Affidavit explaining the action he proposes based on Talathi's report. The Collector must also clarify if this information is correct (and at this stage, we presume it to be correct) how so many illegal constructions would come up in this single village without any of the authorities allegedly not noticing such constructions.

11. Dr Warunjikar states that most of these constructions are used as resorts or commercial establishments, and therefore, according to him, it is impossible for the authorities to be unaware of such large-scale illegalities in this village.

12. The Collector must file such an Affidavit within two weeks of today, i.e., on or before 13 September 2024. List this matter on 04 September 2024, along with Writ Petition No.834 of 2024, for directions.

(Kamal Khata, J)

(M.S. Sonak, J)