

Shabnoor

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

PUBLIC INTEREST LITIGATION NO.18 OF 2024

SHABNOOR
AYUB
PATHAN

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Mangesh Bhaskar Mhatre ... Petitioner
V/s.
Navi Mumbai Municipal Corporation &
Ors. ... Respondents

Mr. Vinayak Gadekar i/by Jidnyara Gadekar for Petitioner.
Mr. Aniruddha A. Garge for Respondent Nos.1 to 3.
Mr. Rohit Sakhadeo for Respondent Nos.4 to 7.
Mr. Altaf Khan and Mr. Sumit Kothari for Respondent No.8.
Mr. P. P. Kakade, Government Pleader a/w Mr. O. A.
Chandurkar, Addl. Govt. Pleader and Mrs. G.R.
Raghuwanshi, AGP for Respondent No.9-State.

**CORAM : DEVENDRA KUMAR UPADHYAYA, CJ &
AMIT BORKAR, J.**

DATED : AUGUST 1, 2024

P.C.:

- 1.** Affidavit-in-reply filed by respondent Nos.1 to 3 is taken on record.
- 2.** It has been stated that the learned counsel representing respondent Nos.1 to 8 that encroachment on the subject land has been removed.
- 3.** Learned counsel representing the petitioner, however, states that the lease of the land in question was granted by

CIDCO for burial purpose, however, it is not only that the lessee has been violating the terms of the lease, but also that they are using the same for other purpose such as offering prayers with loudspeaker.

4. Thus, so far as, the grievance of the petitioner regarding encroachment etc. is concerned, the same does not survive.

5. As regards the alleged violation of the terms of the lease, we direct that CIDCO shall consider the same and if any violation of the lease is found, it shall act accordingly and take steps which may be permissible under law.

6. We further direct that if any loudspeaker or any other sound amplifier instrument is used by anybody, it should not exceed the permissible limit as per the Government Resolution dated 1st July 2015 and as directed by this Court in its judgment dated 13th March 2015 in PIL No.173 of 2010.

7. The writ petition stands disposed of in the aforesaid terms.

(AMIT BORKAR, J.)

(CHIEF JUSTICE)