

Pdp

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

PUBLIC INTEREST LITIGATION NO. 83 OF 2024

Malhar Aneesha Deshmukh

.. Petitioner

Versus

**Navi Mumbai Municipal Corporation
And Anr.**

.. Respondents

Mr. Malhar Aneesha Deshmukh, petitioner-in-person, present.
Mr. Tejes Dande for respondent no.1 (NMMC).
Ms. P. M. Bhansali, through VC, for respondent no.2 (CIDCO).

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

DATE: 5th JULY, 2024

P.C.:

- 1.** Heard the petitioner, who appears in person, Mr. Tejes Dande, learned counsel appearing for respondent no.1- Corporation and Ms. Bhansali, learned counsel appearing for respondent no.2/CIDCO.
- 2.** The petitioner is a law student pursuing his LLB five years' course at Government Law College, Mumbai. He has raised a serious and grave concern about encroachment made over a pond in Sanpada, Plot No. 1+2A, Sector 21, falling within the jurisdiction of Navi Mumbai Municipal Corporation (NMMC).

3. Our attention has been drawn to seven notices dated 21st June, 2024 issued by the NMMC to certain encroachers for removal of the encroachment. The submission of the petitioner is that the said notices are not being carried forward and are not being acted upon.

4. Once the notices have been issued by the NMMC, it is clear that NMMC recognizes the encroachment made on the aforesaid pond and accordingly under the provisions of the Maharashtra Regional and Town Planning Act, 1966, it becomes the statutory duty of the authorities concerned to ensure that encroachment from a pond land is removed.

5. Accordingly, without entering into the merits of the claim of the either parties, we disposed of this PIL petition with a direction to the NMMC to act upon the notices issued on 21st June, 2024 and, after hearing the alleged encroachers, determine as to whether encroachment has been made or not. In case on such determination any encroachment is found, the same shall be removed in accordance with law by the authorities of the Corporation and other competent authorities, including the authorities of the revenue department, with expedition, say within a period of two months from today.

6. This order shall be communicated to the Municipal Corporation and other authorities by the learned counsel representing the NMMC as also by the State counsel.

Digitally signed
by JAYANT
VISHWANATH
SALUNKE
Date:
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(AMIT BORKAR, J.)

(CHIEF JUSTICE)