

Pdp

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

**PUBLIC INTEREST LITIGATION NO. 64 OF 2022
WITH
INTERIM APPLICATION NO. 12043 OF 2024**

**Altaf Hussain MD. Takim
Chaudhari**

**.. Applicant/
Petitioner**

Versus

Thane Municipal Corporation & Ors. .. Respondents

Mr. Saurabh Butala i/by Harshad Sathe for applicant/petitioner.

Mr. Mandar Limaye for respondent nos.1 and 2-TMC.

Mr. P. P. Kakade, Govt. Pleader with Mr. O. A. Chandurkar, Addl. Govt. Pleader and Mrs. G. R. Raghuwanshi, AGP for respondent nos.3 and 4-State.

Mr. Vinod Joshi for respondent no.6.

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

DATE: 28th AUGUST, 2024

P.C.:

Interim Application No. 12043 of 2024:

1. The applicant/petitioner has moved the present Interim Application with a prayer to allow the applicant/petitioner to publish notice of this PIL petition in local newspapers.

2. We have perused the office report and having considered the submissions made by the learned counsel for the applicant/petitioner that he had provided the addresses of the respondent nos. 5, 7, 8 and 9 as mentioned in the agreements.

Digitally
signed by
PRAVIN
DASHARATH
PANDIT
Date:
2024.08.28
15:33:52
+0530

3. We, thus, permit service of notice upon respondent nos. 5, 7, 8 and 9 through publication in the newspapers.
4. The applicant/petitioner to take appropriate steps for the said purpose.
5. The Interim Application stands disposed of accordingly.

PIL No. 64 of 2022:

6. We have been informed that about 128 residential units, including some bungalows, have been constructed illegally without the requisite permissions and on Government land. However, the occupants of these residential units are not impleaded as party-respondents.
7. We, thus, permit the petitioner to move an appropriate Interim Application/Draft Amendment seeking impleadment of the unit owners or occupiers of such units as party-respondents within three weeks. In the alternative, the petitioner may seek impleadment of the Residents Welfare Association/Societies of occupants as party-respondents.
8. The respondent-Corporation in its affidavit-in-reply has admitted that the constructions in question are illegal. The affidavit further states that various steps have been taken by the Corporation for demolition of such structures, however, the fact remains that despite pendency of this PIL petition since the year 2022, the illegal structures have not been demolished.
9. Accordingly, we direct that the appropriate department of the Corporation shall examine each such illegal construction and publish a notice in the newspapers for demolition of such

structures giving three weeks' time to the occupiers of such illegal structure to vacate and demolish the structure on their own, failing which the Corporation may proceed to demolish the structures in accordance with law. We further direct that before publishing such a notice in the newspapers, the concerned department of the Corporation shall ascertain as to whether there is any legal impediment in any such demolition and only thereafter shall proceed to publish the notice in the newspapers.

10. Having regard to the fact that the land over which illegal constructions are said to have come up belongs to the State, we direct the learned counsel for the petitioner to implead State of Maharashtra through Additional Chief Secretary, Department of Urban Development as a party-respondent. The learned counsel for the petitioner is also directed to implead the Collector/Sub Divisional Officer and Tahsildar concerned as party-respondents. We also direct the petitioner that Police Commissioner, Thane be also impleaded as party-respondent.

11. Let the necessary amendments be incorporated by the learned counsel for the petitioner in the array of respondents during the course of the day. Re-verification is dispensed with.

12. We direct the State authorities, including the newly impleaded State authorities to file their affidavits-in-reply within a period of four weeks. The learned counsel representing the respondent no.6 is also permitted to file affidavit-in-reply within four weeks.

13. Rejoinder-affidavits to the aforesaid affidavits-in-reply, if any, may be filed by the petitioner within next two weeks.

14. By the next date of listing, the Municipal Commissioner, Thane Municipal Corporation, shall file his personal affidavit giving details of the steps which might be taken in the meantime for ensuring compliance of this order and also for ensuring for removal/demolition of the illegal constructions.

15. Stand over to **9th October, 2024.**

(AMIT BORKAR, J.)

(CHIEF JUSTICE)