

Wadhwa

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
ORDINARY ORIGINAL CIVIL JURISDICTION  
WRIT PETITION NO. 1072 OF 2024

Blanche John Hector Negril & Ors ...Petitioners

*Versus*

The State of Maharashtra & Ors ...Respondents

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**Mr Nitin Jagtap**, with *Shubham Saraf & Prachi Mulje i/b Pavan Patil*, for the Petitioners.

**Ms Manisha Gawade, AGP**, for the Respondent-State.

**Mr Swapnil Bharati**, i/b *Sunil Sonawane*, for the Respondent-BMC.

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CORAM:      M.S. Sonak &  
                         Kamal Khata, JJ

DATED:        18th September 2024

PC:-

1. Heard learned counsel for the Petitioner and Mr Swapnil Bharati for the BMC.

2. The Petitioner claims to be the owner of the property which is the subject matter of this Petition. The Petitioners have filed complaints dated 31 March 2022 and 17 June 2022 about some unknown persons putting up illegal constructions on this plot.

3. The Petitioners now submit that these complaints are not being looked into by the BMC and therefore, directions should be issued to the BMC to dispose of these complaints.

4. Although, the parties who are alleged to have made illegal constructions have not been impleaded, we direct the BMC to look into the Petitioners complaints and if any prima facie merit is found in them, to hear the Petitioners and the parties who are alleged to have put up such illegal constructions and dispose of such complaints in accordance with law. This exercise must be completed within three months from today.

5. If any of the parties are aggrieved by the BMC's action, they would be at liberty to challenge the same in accordance with law.

6. We clarify that we have not examined the merits of the complaints because we believe that such complaints must first be looked into by the BMC. The BMC must communicate its decision to the parties within three months from today.

7. The Petition is disposed of in the above terms without any order for costs.

8. All concerned to act on an authenticated copy of this order.

(Kamal Khata, J)

(M.S. Sonak, J)