

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 3208 OF 2024

Our Lady of Gloria Church Trust ...Petitioner
Versus
State of Maharashtra and ors. ...Respondents

Mr J D'Silva , for the Petitioner.
Ms Uma Palsule-desai, AGP, for the Respondent - State.
Ms S Tondwalkar, for the Respondent - BMC

CORAM M.S. Sonak &
Kamal Khata, JJ.
DATED: 03rd July 2024

PC:-

1. Heard learned counsel for the parties.
2. The Petitioner, should have in fact made the persons, who are alleged to have put up illegal constructions as parties to this Petition.
3. Nevertheless, since we only propose to direct the BMC to look into the Petitioner's complaints dated 12/12/2023, 13/02/2024, 15/02/2024, 27/02/2024 and 17/03/2024 and dispose of the same in accordance with law, we decline to dismiss this Petition or adjourn it any further.

4. The Petitioner, by the above complaints, has alleged that some of its tenants have undertaken illegal constructions and the BMC is not acting based on such complaints.
5. We, therefore, direct the BMC to look into the Petitioner's above complaints and disposed of the same in accordance with law.
6. The BMC must hear the Petitioner and the tenants against whom these complaints are made before any decision is taken in the matter. Such decision must be taken on or before 3rd October 2024 and communicated to the parties.
7. All contentions of the Petitioner and the tenants are kept open to be examined by the BMC.
8. The Petition is disposed of.

(Kamal Khata, J)

(M.S. Sonak, J)