

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

PUBLIC INTEREST LITIGATION NO.64 OF 2024

Sandeep Omprakash Mishra
V/S.

... Petitioner

The State of Maharashtra And Ors.

... Respondents

Mr. Akhilesh Upadhyay a/w. Mr. Sanjay Chaturvedi and Ms. Deepa Panicker
for the Petitioner.

Ms. Neha Bhide, GP, Mr. O. A. Chandurkar, Addl, GP and Mrs. G. R.
Raghuwanshi, AGP for the Respondent-State.

Ms. Swati Sagvekar for Respondent Nos.3 and 4.

Mr. B. B. Sharma for Respondent No.7.

**CORAM : ALOK ARADHE, CJ. AND
M. S. KARNIK, J.**

DATE : 1st APRIL 2025

P. C. :

1. The Petitioner who claims to be a social activist and a public spirited person residing in the area of Nalasopara, submits that this PIL is against illegal and unauthorized constructions which are taking place, the details of which have been more particularly mentioned in the Writ Petition. Further directions are sought to the Respondent-Corporation and other Authorities for carrying out surveys of all unauthorized sites, buildings and industrial galas in the area. Learned counsel for the Petitioner submits that he has taken up the cause in public interest for and on behalf of all those innocent flat purchasers who are victims of Developers who sell the flats to innocent gullible buyers in unauthorised/illegally constructed buildings.

3. We find that pursuant to the representation made by the Petitioner, the Collector had forwarded the said representation to the Competent Authority of Vasai Virar City Municipal Corporation, Virar to take necessary action. The Deputy Commissioner of Vasai Virar Municipal Corporation had by his communication dated 23/3/2022 to the concerned Officers of the Ward had instructed that appropriate action be taken in view of the complaint received from the Petitioner and observed that encroachments and unauthorized constructions is a very serious matter which needs to be immediately looked into by taking appropriate action. Pursuant thereto we find that the Assistant Commissioner of the Ward has issued notices to the concerned Developers/Builders. These notices are at page 38-48 of the PIL-Petition.

5. Learned counsel for the Corporation seeks some time to file Reply. We do not propose to keep the PIL-Petition pending as notices have been issued by the Corporation. These notices obviously will have to be taken to its logical conclusion expeditiously. It goes without saying that unauthorized and illegal construction contrary to the provisions of the statutes cannot be tolerated and it is the statutory duty of the Respondent-Corporation to take action against such unauthorized/illegal construction when such illegalities are brought to its notice.

6. Learned counsel for Respondent No.3- Municipal Corporation to inform the Corporation to take appropriate action against the illegal/unauthorized construction as mentioned in the Writ

Petition/Complaint made by the Petitioner in accordance with law.

7. As the Corporation is statutorily bound to take action against the illegal structures/ unauthorized constructions and as notices have already been issued which will be taken to its logical conclusion, we do not pass any further orders in this PIL-Petition

8. It is open for the Petitioner to bring to the notice of the Corporation the instances of illegal constructions. PIL-Petition is disposed of.

(M. S. KARNIK, J.)

(CHIEF JUSTICE)