

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****WRIT PETITION NO.3411 OF 2024**

M/s. Chetak Housing Corporation

... Petitioner

V/s.

State of Maharashtra & Ors.

... Respondents.

Mr. R.M. Kachave, for the Petitioner.

Ms Rupali Shinde, AGP, for the Respondent-State.

Mr. Rohit Sakhadeo, for Respondent Nos.3 and 4.

Mr. Vivek Biwalkar a/w Mr. Saurabh Oka, for Respondent Nos.5 to 7.

**CORAM : A. S. GADKARI AND
KAMAL KHATA, JJ.****DATE : 02nd April 2025.****P.C.:-**

1) Learned Advocate for the Respondent-Corporation tendered across the bar Additional Affidavit of Shri Sanjaykumar Kumavat, the Assistant Commissioner of Respondent No.3-Corporation. Perusal of the Affidavit indicates that, the Competent Authority of Respondent-Corporation once again had issued a Notice under Section 260(1) of the Maharashtra Municipal Corporation Act, 1949 and after hearing the Respondent Nos.5 to 9, a final Order under Section 478 of the said Act dated 3rd March 2025 has been passed. By the said Order the Respondent Nos.5 to 9 are directed to remove their illegal structures within a period of 15 days at their own cost.

- 2) Record clearly indicates that the period of limitation mentioned in the Order dated 3rd March 2025 came to an end on 18th March 2025. Despite more than 14 days having passed since 18th March 2025 the concerned Officer/Authority has failed to implement its own order.
- 3) We strongly deprecate the practice adopted by the concerned Competent Authority. However, in view of the above conduct, we direct the Additional Commissioner of Respondent-Corporation to file his/her detailed reply to the Petition. The Additional Commissioner shall not delegate his/her powers to any Subordinate Officer. We direct the Additional Commissioner to peruse entire Petition, the Affidavits filed by its Subordinate Officers and the various earlier Orders passed by this Court before filing the Affidavit.
- 3.1) The said Affidavit must be filed by 15th April, 2025.
- 4) Stand over to 16th April 2025.
- 5) To be listed under the caption “for directions”.

(KAMAL KHATA, J.)

(A.S. GADKARI, J.)