



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 2226 OF 2024

Iman Anis Dolare

...Petitioner

Versus

Kalyan Dombivali
Municipal Corporation & Ors.

...Respondents

Mr. Kishor Patil a/w Pratik Rahade for Petitioner.
Mr. Rohit Sakhadeo for Respondent Nos.1 & 2.
Mr. Pandit Kasar for Respondent No.3.

CORAM: G. S. KULKARNI &
ARIF S. DOCTOR, JJ.

DATE: 07 JULY 2025

P.C.

1. Let a reply affidavit to this petition be filed within one week from today.
2. It appears that there is a complaint made by the petitioner against illegal construction undertaken by respondent No.3 and in such context an order dated 15 March 2023 was passed by a coordinate bench of this Court in Writ Petition (L) No.6307 of 2023 to which one of us (G. S. Kulkarni, J.) was a member.
3. The case of respondent No.3 is that there are three illegal buildings of nine floors which have been put up by the petitioner and no action is being taken by the Municipal Corporation. Thus, on one hand the petitioner is complaining of illegal construction undertaken by respondent No.3 and on the other hand respondent No.3 is alleging that there is massive illegal construction by the petitioner.
4. In such peculiar circumstances, we are of the opinion that the Municipal Commissioner shall along with the concerned ward officer and other officers of the building department needs to examine all these structures of both the parties, and

verify, whether any building permission was granted to any of the constructions of these parties.

5. In the event, no building permission was granted, and if these constructions are found to be unauthorized and illegal, following the settled principles of law as laid down by the Supreme Court in **Friends Colony Development Committee Vs. State of Orissa¹**, **Supertech Ltd. Vs. Emerald Court Owner Resident Welfare Association & Ors²**, **Kerala State Coastal Zone Management Vs. Maradu Municipality & Ors³**. etc and as recently followed by this Bench in the case of **Subhadra Ramchandra Takle Vs State Of Maharashtra And Ors⁴**. a lawful procedure would be required to be followed to remove such illegal constructions. Such action would be similar to the action which were taken by the Commissioner, Thane Municipal Corporation which has razed about seventeen illegal / unauthorized buildings illegally constructed.

6. Let the Municipal Commissioner filed an affidavit to this effect, on verification of the site condition. We direct respondent No.3 to furnish all the details of such illegal construction of the petitioner to the designated officer or to the Municipal Commissioner by tomorrow i.e. on 8 July 2025 as also a copy of the same be given to Mr. Sakhadeo, learned advocate for the Corporation.

7. Stand over to **14 July 2025 (HOB)**.

(ARIF S. DOCTOR, J.)

(G. S. KULKARNI, J.)

1 (2006) 3 SCC 581

2 (2021) 10 SCC 1

3 Civil Appeal Nos.4784 & 4785 of 2019 decided on 8 May 2019

4 Writ Petition No.5898 of 2025 order dt. 12 June 2025