

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****WRIT PETITION NO.3467 OF 2024**

Rajjab Ali Mohammad Sayeed Dhole

... Petitioner.

V/s.

The Commissioner of Thane Municipal
Corporation & Ors.

... Respondents.

Mr. S.A. Shaikh i/by Adv. Iqbal Abdulla for the Petitioner.

Mr. Anand Kulkarni for Respondent No.1.

Mr. Ameya Abhay Pitale for Respondent No.3.

Mr. Balu Pichad, Assistant Municipal Commissioner, Thane, present.

**CORAM : A. S. GADKARI AND
KAMAL KHATA, JJ.**

DATE : 25th March, 2025.

PC:-

1) Mr. Shaikh, learned Advocate for the Petitioner on instructions submitted that, the offending structure mentioned in the Petition is thoroughly illegal structure.

2) Mr. Kulkarni, learned Advocate for Respondent-Corporation on instructions from Shri Pichad submitted that, the Corporation will initiate necessary action of removal/demolition of the writ structure and will complete it within a period of two weeks from today.

- 3) Learned Advocate appearing for Respondent No.3 made a bleak and feeble attempt to justify the legality of the structure on the basis of an alleged permission granted by grampanchayat, which has no sanctity in the eyes of law.
- 4) Perusal of photographs annexed to his affidavit and other photographs to the Petition clearly indicates that, under the garb of effecting repairs to the old structure, the Respondent No.3 has erected a three storey building, contrary to all the provisions of law.
- 5) Shri Balu Pichad, Assistant Municipal Commissioner, Thane has filed an affidavit dated 27th January, 2025 asserting therein that, the writ structure is an unauthorized structure. The reply reveals that, despite notice under Section 260(1)(2) of the Maharashtra Municipal Corporation Act, 1949 ('MMC Act') issued on 10th October 2023 and Order passed on 15th May 2024, no action was taken. Besides, even after the letter dated 24th January, 2025 which assured demolition of the structure within four weeks i.e. by 24th February 2025, the structure was not demolished.
- 6) We therefore direct the Assistant Commissioner, Thane to explain in his affidavit of compliance, as to why there was a delay from 10th October, 2023 to 15th May, 2024 and from 15th May, 2024 till 25th March, 2025 to demolish the illegal structure. Further, what action is being taken against the erring Officers for dereliction of their duties and permitting illegal structures to subsist despite holding it to be illegal.

- 7) At the request of the learned Advocate for the Corporation,
stand over to 17th April, 2025.
- 8) To be listed under the caption 'for admission'.

(KAMAL KHATA, J.)

(A.S. GADKARI, J.)