

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.7404 OF 2024

Yashwant Anna Bhoir
Vs
The State of Maharashtra & Ors

...Petitioner
...Respondents

Mr. Avinash Fatangare with Ms. Archana Shelar, for the Petitioner.
Ms. M. P. Thakur, AGP for the State/Respondent Nos.1 to 3.
Mr. Dinesh Adsule, for Respondent No.4.
Mr. Sumedh S. Modak i/b. Mr. Vijay Killedar, for Respondent No.5.

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

DATE: 14th August 2025.

P.C.

1. We have heard learned Counsel for the parties extensively on the present proceedings. We have also perused the reports dated 23 July 2025 which are filed by the Collector, Thane. We have also perused two reports which are filed by the Experts as appointed by the Court. We also perused the affidavits filed on behalf of the respondents. We propose to pass final orders on this petition.

2. Accordingly, **orders reserved**.

3. Before we propose to pronounce final orders, Mr. Modak, learned Counsel for respondent No.5 has drawn our attention to three applications filed by respondent No.5 to enable respondent No.5 to take immediate remedial steps i.e. by constructing compound wall between the petitioner's plot and the plot subject matter of respondent No.5's project. Such applications are pending.

4. Mr. Adsule, learned Counsel appearing for the Municipal Council has fairly stated that there would not be any impediment to grant such permission, also drawing our attention to paragraph 12 of the affidavit filed by the Chief

Officer of the Municipal Council dated 15 July 2025. Paragraph 12 of the affidavit reads thus:

“12. I say that, if any application, representations are made by the Respondent No.5 & 6 for taking any remedial steps towards the grievances of the Petitioner, we will consider on priority basis according to the rules and regulations. As far as Applications mentioned by the Respondent No.5, forwarded to the Respondent No.4 is concerned, no separate permission is required, if any old wall is demolished and new wall is constructed as per the earlier sanctioned plan.”

5. In this view of the matter, the Chief Officer, Municipal Council, shall grant permission to undertake the construction of the compound wall so that percolation of water to the petitioner's plot of land is stopped. Let such permission be granted by **Monday i.e. 18 August 2025**.

6. We may also observe that the society has participated in various visits as undertaken by the Collector as also by the Experts. The society is very well aware of the proceedings, however, they are not represented in the hearing. A statement of the Secretary and the Chairman of the Society as recorded by the Collector, is forming part of the report of the Collector. We direct that when respondent No.5 undertakes the work of construction of compound wall, the office bearers of the Society or any of the members of the Society shall not, in any manner whatsoever, obstruct respondent No.5 in undertaking such construction of the compound wall. Any obstruction to such work would be considered as breach of the order passed by this Court and an action under the Contempt of Courts Act and/or any other penal action would be taken against such persons. The Chief Officer of the Municipal Council as also respondent No.5 are permitted to avail of any police help from the Officer-In-Charge of the local police station in respect of any

obstruction being caused. In such event, Respondent No.5 as also the Chief Officer are permitted to file appropriate complaints setting out the names of the persons who would obstruct, as also bring the same to the notice of the Court so that further action would be taken against them.

7. The Chief Officer shall undertake survey of all the Wards to find out as to whether any buildings/houses are illegally constructed and/or are rank illegal constructions. In the event any building is found to be illegal and constructed without permission, he is free to take action in accordance with law. All such information in this regard be also placed on record of the Court within a period of two weeks from today. For such purpose list the proceedings for compliance on **2 September 2025**.

8. Before parting we may observe that the extensive work has been undertaken by the Expert appointed by the Court as also two reports are placed on record, which have brought to the fore several issues touching the lives of people, issues of lack of town planning norms, ecology, environment and water pollution. By an order dated 13 June 2025, the Court had directed respondent No.5 to deposit the first installment of the fees/honorarium in this Court. We direct respondent No.5 to deposit further amount of Rs.1,00,000/- (Rupees One Lakh only) towards the fees/honorarium This is fairly agreed to be deposited by respondent No.5, within one week from today.

(ARIF S. DOCTOR, J.)

(G. S. KULKARNI, J.)