

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

Yashwant Anna Bhoir
Versus
State of Maharashtra & Ors.

...Petitioner.
...Respondents

Mr. Avinash Phatangare i/b. Ms. Archana S. Shelar, for Petitioner.
Ms. M. P. Thakur, AGP for the State.
Mr. Dinesh Adsule with Mr. Chinmay V. Bhole, for Respondent No.4.
Mr. Sumedha S. Modak, for Respondent No.5.

CORAM: G. S. KULKARNI &
ARIF S. DOCTOR, JJ.
DATE: 5 DECEMBER 2025

P.C.

1. On 21 November 2025 we have passed a detailed order. There are several concerns which have been expressed in the said order in relation to the directions as issued by this Court in the judgment and order dated 19 September 2025. The serious concerns which have erupted are of massive illegal constructions within the Kulgaon-Badlapur Municipal Council (KBMC) area. There are about 438 illegal unauthorized constructions and encroachments which have been earmarked by the KBMC. One of the major concern before the Court was in regard to large areas within municipal jurisdiction of the KBMC having no sewage line. This Court hence had appointed an Expert Committee namely the 'Improvement Committee for Kulgaon-Badlapur Municipal Area', to make recommendations to the KBMC for appropriate town planning by considering several concerns as flagged in our judgment so as to achieve a robust town planning for the rapidly developing KBMC areas. The major issues, however, are not only of want of a sewage line but also of the sewage treatment plants being not operational as a consequence of which the untreated sewage water and filth being drained into the Ulhas river. In

this regard, the following observations were made in our order dated 21 November 2025:-

“10. In the aforesaid circumstances, we direct that an affidavit be filed by the Additional Collector, who is a member of the committee in regard to the immediate and urgent steps which would now be taken in pursuance of the orders passed by this Court and the timelines/bar chart for such proposed actions. A complete blueprint as to how the committee intends to proceed on the different issues of improvements and the stepwise plans proposed to be adopted be informed to the Court.

11. There is an urgent need to commission the Sewage Treatment Plant (STP) so that water pollution which is caused by the sewage being drained into the Ullhas river, is prevented. The affidavit to be filed shall also set out the compliances in regard to the steps which are being taken to bring about real/actual improvement to the existing conditions. Let the same be incorporated in a tabular form recording the steps that have been taken to stop the drainage being let into the river. If such steps are not taken to stop the sewage from being drained into the river, they are required to be taken immediately, and a compliance in that regard be placed on record on or before the returnable date.”

2. We expected that the Municipal Council would place before the Court the correct position in regard to the functional position of the sewage treatment plant and the steps taken to prevent the sewage water being drained into the Ulhas river. Mr. Adsule, learned Counsel for Kulgaon-Badlapur Municipal Council, however has no instructions. Also no affidavit is placed on record after the order dated 21 November 2025 was passed by this Court. In our opinion this is unacceptable.

3. Being an urgent issue, we are of the opinion that the correct position in regard to the progress of the sewage line as also sewage treatment plant (STO) whether are made operational and as to whether the sewage water being drained into the Ulhas river, is prevented and as to what steps are taken to prevent the same, need to be informed to the Court. Let a proper affidavit in this regard addressing such emergent issues be placed on record by the Chief Officer of the

KBMC on or before 10 December 2025. A copy of the same be furnished to all the parties.

4. We may, however, record that in pursuance of the directions as contained in paragraph 10 of our earlier order, a reply affidavit of Mr. Harishchandra Patil, Additional District Collector, is filed to state that only one meeting was held by the Committee on 14 November 2025 and that further meetings would now be required to be held so as to prepare the timelines/bar chart for such proposed actions and a blueprint of how the committee intends to proceed on the different issues of improvements, and the stepwise plans proposed to be adopted. However, it is stated that due to the ensuing General Elections of Municipal Councils and Town Panchayats, 2025, the Committee is unable to hold a further meeting. It is stated that as soon as the election process of General Elections of Municipal Councils and Town Panchayats, 2025, is completed and upon lifting of the Code of Conduct, of the State Election Commission, next meeting of the Committee will be held and further steps in that regard would be taken. From the constitution of the committee, it appears that perhaps only the Additional Collector, Thane and Chief Officer of the KBMC would be required to discharge the election duties. However, the affidavit does not indicate that the Additional Collector, who is a member of the Committee, himself has been assigned any election duties.

5. In any event, we would not accept such reason to be in any manner acceptable to delay the compliance of the orders passed by the Court and more importantly when the Committee which is seriously concerned with the issues to address gross illegalities qua the environmental damage and the lack of appropriate

planning and development of the KBMC areas, affecting lakhs of citizens cannot be rendered secondary. Also the non compliance of the orders of the Court due to the said elections cannot be countenanced. The issues being dealt by the committee are important issues concerning public health, especially when the large population of more than five lakhs in the KBMC municipal area, cannot be victims of the delay. The said officers are required to make themselves available on certain days as per their convenience. We may observe that the other members of the committee are experts and are not involved in the election process. In this view of the matter, we are not accepting the affidavit of the Additional Commissioner for any postponement of the meetings of the Expert Committee. If such affidavit is accepted, it would amount to sustaining serious illegalities as noted by us without improvement actions being taken.

6. We accordingly direct that the regular meetings of the committee shall be held keeping in view the larger interest of public health and sanitation and a pressing need to address the illegalities in the town planning, before it is too late, so as to comply the judgment of this Court dated 19 September 2025.

7. We accordingly adjourn the proceedings to **11 December 2025 at 2.45 p.m.** so that we can hear the Additional Collector on the proposed date of the meeting. Also the Chief Officer of the KBMC shall place on record an affidavit in regard to the concerns as noted by us in regard to the sewage line as also sewage treatment plants and the drain of the sewage in the Ulhas river.

8. Insofar as the levelling of the plot of the petitioners is concerned, it is submitted by Mr. Modak that the work is in progress and it is likely to be soon

completed. Learned Counsel for the petitioners has also no issues in this regard. Accordingly, the work of the compound wall and levelling be undertaken and compliance in that regard be placed on record as and when the work is complete.

(ARIF S. DOCTOR, J.)

(G. S. KULKARNI, J.)