

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****CIVIL WRIT PETITION NO. 9276 OF 2024****WITH****INTERIM APPLICATION NO. 3130 OF 2025**

Javed Nazeer Shaikh

... Petitioner

V/s.

Thane Municipal Corporation & Ors.

... Respondents

Adv. Mayuresh Modgi for Petitioner.

Adv. Ajit Ram Pitale a/w Adv. Ameya Abhay Pitale for Respondent Nos. 1 to 5-TMC.

Adv. Sagar Joshi for Respondent No.7.

Mr. K.B. Dighe, Addl.G.P. a/w Ms. Rupali Shinde, A.G.P. for Respondent Nos. 6 & 8-State.

**CORAM : A. S. GADKARI AND
KAMAL KHATA, JJ.****DATE : 3rd March 2025.****P.C. :**

1) It is an admitted fact on record that, the suit structure/building erected by Respondent No.7 is thoroughly unauthorized and illegal construction. As per the pleadings, it was initially constructed in the year 1995 and was subsequently further stories are constructed thereon.

2) It is the precise case of the Petitioner that, the said structure is thoroughly illegal and therefore the Respondent-Corporation be directed to take necessary action including the action of demolition, against it.

During the course of hearing, we asked a pertinent question of learned Advocate for Respondent No.7, as to whether, he is having sanctioned plan or approval from any Competent Authority for erecting the suit building. Mr. Joshi on instructions, fairly conceded to the said fact that, the said permission is not there.

2.1) In this precise background, the said illegality is permitted to be continued by the Respondent Nos. 2 to 5 for the reasons best known to them only. We are unable to comprehend a situation that, all the Officers of the Thane Municipal Corporation are unable to take legal action against a patently illegal structure, by raising a specious plea that, they are not getting necessary police protection even for performing their lawful duty.

3) At this stage, Mr. Pitale submitted that, he will bring the said fact to the notice of the Commissioner of TMC and the Respondent No.1 i.e. Commissioner of TMC will file his say to the Petition within a period of two weeks from today.

3.1) At his request, stand over to 24th March 2025.

4) To be listed under the caption 'for directions'.

(KAMAL KHATA, J.)

(A.S. GADKARI, J.)