

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

PUBLIC INTEREST LITIGATION NO. 7 OF 2025

Kishore Tukaram Jadhav

... Petitioner

V/s.

State of Maharashtra and Ors.

... Respondents

Mr. M.A. Khan for the Petitioner

Ms. Chaitrali Deshmukh for Respondent Nos. 2 and 3

Mr. Kishor D. Jadhav i/b. Mr. S.G. Kudle for Respondent No.4

Ms. Neha S. Bhide, G.P. with Mr. O.A. Chandurkar, Addl.G.P. and Ms. G.R. Raghuwanshi, AGP for Respondent No.1 - State

**CORAM : ALOK ARADHE, CJ. AND
SANDEEP V. MARNE, J.**

DATE : 09 JUNE 2025

P.C. :

1. With consent of the learned Counsel for the parties, the Petition is heard finally.

2. In this Writ Petition which has been filed as Public Interest Litigation, the Petitioner, inter-alia, seeks a direction to Respondent Nos. 1 and 3 to take action for demolition of illegal structures which have been raised on plot of land bearing Survey No.29/1/A admeasuring 1.67.50 hector located at Mumbra, District - Thane.

3. The learned Counsel for the Petitioner submits that the Respondent No.4 has encroached the subject land and has raised illegal construction. However, despite the complaint made to the Thane Municipal Corporation, no action has been taken for demolition of the unauthorized construction. On the other hand, the learned Counsel for Respondent No.4 has opposed the submission made on behalf of the learned Counsel for the Petitioner. The learned Counsel Ms. Deshmukh, who has entered appearance for the Respondent – Thane Municipal Corporation submits that the Corporation is under an obligation to take an action for removal of unauthorized construction.

4. We have considered the rival submissions made by both the parties and have perused the record. Undoubtedly, no individual has a right to raise unauthorized construction. However, whether or not the Respondent No.4 has raised an unauthorized construction is a question of fact, which is disputed in the facts and circumstances of the case. Therefore, in the peculiar facts of the case, we are inclined to issue the appropriate directions, which are as follows :

- (i) The Petitioner as well as Respondent No.4 undertake to appear before the Assistant Municipal Commissioner, Mumbra Ward, Thane Municipal Corporation on 18 June 2025 at 11.00 a.m.

(ii) Thereafter, the Assistant Municipal Commissioner, Mumbra Ward shall afford an opportunity of hearing to all the parties and give them an opportunity to submit the documents in support of their claims.

(iii) The Assistant Municipal Commissioner, Mumbra Ward, thereupon, shall ascertain the nature of construction.

(iv) Needless to state that in case the construction is found to be unauthorized, suitable action shall be taken for demolition thereof.

(v) Needless to state that if Respondent No.4 is aggrieved by the order directing demolition of unauthorized construction, he shall be at liberty to take recourse to such remedy as may be available to him in law.

5. It is clarified that this Court has not expressed any opinion on the merits of the case.

6. Accordingly, the Public Interest Litigation is disposed of.

(SANDEEP V. MARNE, J.)

(CHIEF JUSTICE)

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PRAKASH
PAWAR

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