



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7166 OF 2025

Dhannulal Laxminarayan Gupta

... Petitioner

Vs.

The State of Maharashtra (G.P. Office) & Ors.

... Respondents

Mr. Abhijeet Kandarkar a/w. Ms. Rashmi Shirke for the petitioner.

Ms. S.A. Prabhune, AGP for respondent no. 1.

Mr. N.R. Bubna a/w. Ms. Pooja Malik for respondent nos. 2 and 3.

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

DATED: 13 JUNE, 2025

P.C.

1. We have heard learned counsel for the parties.
2. This petition is filed assailing the notice dated 16 January, 2025 issued by respondent no.3-Assistant Commissioner, Bhiwandi Nizampur Municipal Corporation, Thane in regard to the unauthorized constructions as undertaken by the petitioner. We are informed that this notice was responded and a hearing, which was held on 30 January, 2025 and thereafter a final order has also been passed on 3 February 2025. Mr. Bubna, learned counsel for the Municipal Corporation, on instructions, submits that in fact such order was also served on the petitioner.
3. In this view of the matter, as now the notice itself has been decided and construction in question has been held to be unauthorized, the petitioner is required to take recourse to an appropriate remedy, if any as available in law, if the

petitioner is aggrieved by the final order passed on the said notice.

4. Also, in the event, if the construction is unauthorized, the Municipal Corporation is also under an obligation in law to take appropriate action as the law would mandate.

5. We keep open all contentions of the parties.

6. For the aforesaid reasons, the petition would not require any further adjudication, it is accordingly disposed of. No costs.

(ARIF S. DOCTOR, J.)

(G. S. KULKARNI , J.)