

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

CIVIL WRIT PETITION NO. 7921 OF 2025

Rajan Narayan Kine

...Petitioner

Vs

Thane Municipal Corporation & Anr.

...Respondents

Mr. Sagar Joshi for the Petitioner.

Ms. Chaitrali Deshmukh for Respondent Nos. 1 and 2.

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

DATE: 20 JUNE 2025.

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P.C.

1. The only substantive relief sought for in the captioned Writ Petition is the following:-

“a) appropriate writ, order or direction thereby directing Respondents to consider the representation dated 6th March 2025 (Exh “C” to the petition) and pass appropriate order in accordance with law;”

2. Heard Learned Counsel for the parties.

3. Mr. Joshi, Learned Counsel for the Petitioner submits that grievance of the Petitioner pertains to the construction of a building commenced pursuant to the Vikas Prastav Scheme. He submits that construction of the buildings, i.e., building Nos.T-6 and T-7 commenced and proceeded without maintaining distance from the water course which was required to be maintained according to him. He submits that it was in this context that the Petitioner made a representation dated 6th January 2025 before Respondent No.2 in which the Petitioner set out the required provisions of the Unified Development Control and Promotion Regulations, 2020 (“UDCPR”), particularly Chapter 3, Rule 3.1.1. He then further submits that the Assistant Director of Town Planning of the first Respondent by its communication dated 22nd January 2025 informed

the Petitioner that the grievance of the Petitioner was not tenable by placing reliance upon Rules 3.1.1(ii) and 10.2.12 of the UDCPR. He submits that it was thus that the Petitioner after studying the said communication and the relevant Rules found that the Assistant Director of Town Planning had lost sight of the fact that a perusal of the layout plan of the land under development showed that there was a Nala which passed through the said land and that building Nos.T-6 and T-7 were proposed at a distance which was less than 6 meters from the water edge. It was thus he submits that the Petitioner once again made a representation on 6th March 2025 pointing out the relevant provisions and the location of the said buildings. The submission of the Learned Counsel for the Petitioner that the said representation has yet not been responded to.

4. Ms. Deshmukh, Learned Counsel appearing on behalf of the Respondent Authorities fairly does not oppose the Petition.

5. Given the submissions made and the fact that the Respondent Authorities are statutorily bound to consider the representations of the Petitioner, let the same be heard and disposed of within a period of 8 weeks from the date of which a copy of this order is uploaded.

6. The Writ Petition is disposed of in the aforesaid terms.

7. No order as to costs.

(ARIF S. DOCTOR, J.)

(G. S. KULKARNI, J.)