

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION  
WRIT PETITION NO. 10579 OF 2025

Tukaram Bhikaji Tikone ...Petitioner  
Versus  
The Thane Municipal Corporation & Ors ...Respondents

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Mr. M. J. Bhatt for Petitioner.  
Ms Chaitrali Deshmukh for Respondent Nos.1 & 2.  
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CORAM : G.S. KULKARNI &  
ARIF S. DOCTOR, JJ.  
DATE : 5<sup>th</sup> AUGUST, 2025.

P.C:

1 This petition under Article 226 of the Constitution of India, is filed  
praying for following substantial relief :

“a) this Hon'ble Court be pleased to call for record and proceeding  
concerning the impugned order dated 11/07/2025 (Exhibit- A), from  
the file of the Respondent No. 2 and after considering the legality,  
validity and propriety thereof, this Hon'ble Court may kindly be  
pleased to quash and set aside the same;”

2 We had heard the learned counsel for the parties in the morning session,  
when we have passed over the proceedings to be taken up before we rise for the  
lunch recess, so as to enable the Municipal Corporation to inform the court of  
the instructions, which would be obtained from the concerned officials of the  
Municipal Corporation on the impugned order. Learned counsel for Municipal  
Corporation on instructions submits that the impugned order dated 11<sup>th</sup> July  
2025 Exhibit-A (Page 26) is being unconditionally withdrawn. She also makes

a statement that the officers would now de-seal the premises as informed to the Petitioner under the communication dated 31<sup>st</sup> July 2025. Let this be undertaken forthwith.

3 All the consequential communications in pursuance of the impugned order dated 11<sup>th</sup> July 2025 are also been withdrawn. We accept the statement as made on behalf of the Municipal Corporation. In this view of the matter, further adjudication of the petition is not called for.

4 However keeping open all contentions of the parties, in the event, the parties are required to resort any further proceedings, we also observe that henceforth, the Municipal Corporation, if at all, shall take steps in accordance with law and more particularly considering that the Petitioner is an Ex-serviceman, who was formerly serving with the Indian Army and the plot of land was allotted to him much prior to the Municipal Corporation being constituted, i.e., when it was under the Grampanchayat, and on which he had been constructed a house. Whichever actions, which are sought to be taken, the case of the Petitioner on all aspects shall be duly considered and in accordance with law.

5 In the event, any future complaint is received from any third party, copy of such complaint shall be provided in the event any show cause notice is proposed to be issued to the Petitioner, failing which, no action can be resorted by following any arbitrary proceedings.

6 With these observations, we dispose of the petition considering the fair stand taken on behalf of the Municipal Corporation. We do not delve on the

nature of the order and the role of the concerned officers in passing the impugned order.

7 The communication dated 5<sup>th</sup> August 2025, addressed by Smt. Sonal Kale, Assistant Commissioner, Thane Municipal Corporation, who has passed the impugned order, addressed to the Learned Counsel for the Municipal Corporation, Ms. Chaitrali Deshmukh, is taken on record and marked “X” for identification.

8 Disposed of. No costs.

[ARIF S. DOCTOR, J.]

[G.S. KULKARNI, J.]