IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 15880 OF 2025

Poornima Pradeep Bhurake … Petitioner
Versus
Thane Municipal Corporation
Thr. The Commissioner & Ors. … Respondents

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Mr. Raju Y., i/b Mr. Rajesh Kakad, Advocates for the Petitioner.

Ms. Chaitrali Deshmukh, Advocate for Respondent Nos. 1 to 3.

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CORAM : RAVINDRA V. GHUGE AND
ASHWIN D. BHOBE, JJ.

DATE : 26th NOVEMBER, 2025

P.C. :

1. The learned Advocate for the Corporation is clear, on the basis of the records and the instructions received, that the writ property, which is now a flat (earlier hut No. 138), was allotted to Respondent No.4 in 2014. The corporation conducted a survey of the huts and recorded the name of Respondent No.4 as the occupant of the hut. Thereafter, the huts were demolished and a building was constructed in which the writ flat was allotted in 2021 to Respondent No.4. Since 2021, Respondent No.4 has not been able to take possession of the writ flat because the Petitioner, her daughter, her mother-in-law and her husband

were staying in the said flat. The mother-in-law passed away on 9th November, 2023. The Petitioner's husband passed away on 21st July, 2024. It is canvassed by the learned Advocate for the Corporation that the Petitioner is unauthorizedly residing in the writ flat.

2. The learned Advocate for the Petitioner submits that Respondent No.4 was never residing, either in the hut or in the writ flat. He was residing elsewhere. His name was removed from the Ration Card. The Petitioner disputes the statement of the learned Advocate for the Corporation as regards the various dates and sequence of events narrated by her.

3. He further submits that Advocate's notice was given to Respondent No.4 and he was alerted that this matter would be heard by this Court. Yet, no appearance is entered and nobody has appeared today for the hearing in this matter.

4. We find that there is a dispute between the Petitioner and Respondent No.4, who are private individuals. The Corporation is concerned with its taxes. Surely the Corporation is concerned, to an extent, as to who occupies the property. Nevertheless, if there is a family

dispute between the Petitioner, whose husband has passed away, and Respondent No.4 who is the biological brother of the deceased husband (both siblings), it would be the Civil Court which would decide the rights of the parties.

5. The learned Advocate for the Petitioner submits, on instructions, that the Petitioner desires to withdraw this Petition and approach the Civil Court. However, he prays that the Corporation should not send its officials along with police to forcibly dispossess the Petitioner.

6. The learned Advocate for the Corporation submits that the Corporation never uses physical force, never takes anybody’s sides and does not utilize the police to solve a problem between relatives. As such, the Corporation would leave it to the two parties to resolve their dispute and will not send its employees to forcibly disposes the Petitioner.

7. The learned Advocate for the Petitioner submits that the Petitioner would be paying the taxes until the rights of the parties are decided. We record that even if the Petitioner pays the taxes and all statutory dues of the Corporation, no equities would be created in favour

of the Petitioner and this aspect shall not be cited as a piece of evidence to fortify the claim of the Petitioner before the Civil Court.

8. In view of the above, **this Petition is disposed off** as withdrawn, on instructions. The contentions of all the parties are kept open. Since the Petitioner would be approaching the Civil Court.

9. Needless to state, if desired, Respondent No.4 could also approach the Civil Court for claiming his rights.

10. If the Petitioner makes an application under RTI to the Corporation for seeking certain documents exclusively connected with the writ flat, the Corporation may supply copies to the Petitioner on payment of usual costs.

(ASHWIN D. BHOBE, J.) **(RAVINDRA V. GHUGE, J.)**