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

PUBLIC INTEREST LITIGATION NO.32 OF 2025

Ravindra Mahadev Patil

...Petitioner

V/s.

The State of Maharashtra and Ors.

...Respondents

Mr. Pravin Wategaonkar *for the Petitioner.*

Ms. Neha S. Bhide, *Govt. Pleader with Mr. O.A. Chandurkar, Addl. GP and Ms. G.R. Raghuwanshi, AGP for Respondent Nos.1 & 2-State.*

Ms. Chaitrali Deshmukh *for Respondent No.3.*

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

DATED : 14 AUGUST 2025.

Order.: *(PER SANDEEP V. MARNE, J.)*

1) Petitioner has filed this Petition in public interest challenging the order dated 3 March 2022 issued by the State Government, by which Municipal Commissioner has been appointed as Administrator for Thane Municipal Corporation. Petitioner has also challenged order dated 7 May 2024, by which the Administrator has decided to submit proposal to the State Government for extension of time for finalisation of Development

Plan. Petitioner has also challenged order dated 12 July 2024 passed by the Town Planning and Valuation Department extending the time limit for preparation of Development Plan. Petitioner has also challenged notice dated 11 October 2024 in publication of Draft Development Plan for Thane Municipal Corporation (TMC).

2) Petitioner claims to be a public spirited individual and apparently engaged in construction business. He is aggrieved by preparation of Development Plan for TMC. He is aggrieved by proposed conversion of reservation in respect of final plot Nos.423 and 424 from 'garden' to 'residential'. He had earlier filed PIL No.1 of 2025 questioning failure on the part of the State Election Commission to conduct elections for TMC. He had also challenged orders dated 3 March 2022 and 20 March 2024 for appointment of Municipal Commissioner as Administrator. He had also challenged notice publishing Draft Development Plan in the said Petition. PIL Petition No.1 of 2025 was withdrawn by the Petitioner on 7 January 2025 after it was pointed out to him that the Petition suffered from the vice of misjoinder of causes of action. Petitioner was granted liberty to file fresh Petition and accordingly he has instituted present Petition.

3) Mr. Wategaonkar, the learned counsel appearing for the Petitioner would submit that the Municipal Commissioner is illegally functioning as Administrator for TMC in violation of

Article 243U of the Constitution of India. That the planning functions, which are otherwise vested in the general body of the Corporation are illegally exercised by the Municipal Commissioner in his capacity as the Administrator. That Development Plan for Thane city is being prepared in violation of statutory scheme. That provisions of Section 148A of the Maharashtra Regional and Town Planning Act, 1966 (**the MRTP Act**) are being misused for seeking extension of time for preparation of the Development Plan. That open spaces are being converted in new Development Plan for being used as residential and commercial purposes. He would submit that the very appointment of the Administrator is illegal and all steps taken by him in seeking extension of time as well as publishing a notice under Section 26(1) of the MRTP Act are consequently void. He would therefore pray for making the Petition absolute in terms of prayers made therein.

4) We have also heard Ms. Bhide, the learned Govt. Pleader for the Respondent-State, who would submit that the Petitioner has already raised his objection to the draft Development Plan and was given a notice on 18 March 2025 to attend the scheduled hearing on 24 March 2025. That Petitioner has failed to appear and avail the opportunity of hearing. It is submitted that the process to decide suggestions and objections is still going on and the Petition is premature.

5) Ms. Deshmukh, the learned counsel appearing for Respondent No.3 would submit that appointment of Administrator was warranted on account of completion of tenure of the general body of Municipal Corporation. She would also submit that this Court cannot interdict the process of preparation of Development Plan. She would pray for dismissal of the Petition.

6) We have considered the submissions canvassed by the learned counsel appearing for the parties and have gone through the records of the case.

7) It appears that initially, Petitioner had challenged the virus of Section 452A(1A) and (1B) of the Maharashtra Municipal Corporation Act, 1949 (In the prayers the Act is wrongly quoted as MRTP Act). Said prayer is however, deleted by the Petitioner when the Petition had come up for hearing on 24 March 2025.

8) So far as Petitioner's challenge to appointment of Municipal Commissioner as Administrator is concerned, since the Petitioner has given up challenge to Sections 452A(1A) and (1B) of the Maharashtra Municipal Corporation Act, 1949, which is the source of exercise of power of appointment of an administrator, Petitioner cannot be permitted to challenge the consequential order passed in exercise of such statutory power.

9) Also, the appointment of the Administrator is effected by order dated 3 March 2022. The Municipal Commissioner has been functioning as an Administrator for the last almost three and half years. Petitioner has conveniently sought to challenge his appointment after considerable delay. It is well settled position that the principles of delay and laches are applicable even to Public Interest Litigations (See: ***Bombay Dyeing and Mfg. Co. Ltd. Vs. Bombay Environmental Action Group and Ors.***¹).

10) The contention raised on behalf of the Petitioner that he noticed exercise of powers of Administrator by Municipal Commissioner only on issuance of notice dated 11 October 2024, cannot be accepted. Petitioner appears to be well conversant with the entire planning process and it is difficult to believe that he did not notice appointment of Administrator after expiry of tenure of general body of the Municipal Corporation. Thus, Petitioner's challenge to the order dated 3 March 2022 suffers from delay and laches.

11) It is also seen that in pursuance of various orders passed by the Apex Court, elections of local bodies within the State Government are likely to be conducted in or after October 2025. In the light of this position, we are not inclined to entertain belated challenge to appointment of Municipal Commissioner as Administrator.

¹ (2006) 3 SCC 434

12) So far as challenge raised by the Petitioner to Resolution dated 7 May 2024 proposing to apply for extension of time for preparation of Development Plan and order dated 12 July 2024 passed by the Town Planning Department granting extension of time is concerned, the same are steps in-aid in preparation of Development Plan. The same applies to challenge raised by Petitioner to the notice dated 11 October 2024 by which suggestions and objections were invited to the draft (revised) Development Plan. Petitioner has actually participated in the process initiated vide notice dated 11 October 2024 by submitting his written objection on 29 November 2024. Having participated in the process initiated vide notice dated 11 October 2024 Petitioner cannot now turn around and challenge the very notice. Petitioner was apparently called for hearing by issuing notice dated 18 March 2025 under Section 28(3) of the MRTP Act. The hearing was scheduled to be held on 24 March 2025 but the Petitioner has failed to avail the opportunity of hearing and cited pretext of listing of the present PIL on 24 March 2025 in his letter dated 25 March 2025. Petitioner reiterated his objection for removal of reservation from final plot Nos. 423 and 424 and for conversion thereof for residential use, which he had raised vide letter dated 9 December 2024.

13) The Development Plan for Thane city is in the process of being finalised. This Court cannot interdict the finalisation of Development Plan by entertaining objections raised by the Petitioner. The planning process envisages

invitation of suggestions and objections. Petitioner has already raised his objection to the conversion of reservation in respect of final plot Nos.423 and 424 from garden to residential. If the plan is finalised and the Petitioner's grievance still subsists, it would be for the Petitioner to take a call in that regard. The challenge raised by the Petitioner is premature.

14) It is also seen that real grouse of the Petitioner is in respect of proposed modification of reservation on final plot Nos.423 and 424 from 'garden' to 'residential'. Instead of participating in hearing conducted by the Planning Committee, the Petitioner has filed the present Petition during pendency of preparation of Development Plan. We are therefore, unable to grant any relief to the Petitioner in the present Petition.

15) The PIL Petition is accordingly **dismissed**.

[SANDEEP V. MARNE, J.]

[CHIEF JUSTICE]