

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 12402 OF 2025
IN
WRIT PETITION NO. 5898 OF 2025

Mohd. Ahmed Hazi Sajjad

...Applicant

Vs.

State of Maharashtra & Ors.

..Respondents

None for Applicant.

Mr. Kedar Dighe, Addl.G.P. with Ms. Pratibha Gavhane, AGP and Ms. Savita Prabhune, AGP for State.

Mr. A. A. Kumbhakoni, Senior Advocate with Mr. Mandar Limaye, Mr. Anand Kulkarni for Respondent/TMC.

CORAM: G. S. KULKARNI &
AARTI SATHE, JJ.
DATE: 10 OCTOBER 2025.

P.C.

1. In regard to the rank unauthorized constructions being undertaken in the city of Thane and more particularly within the municipal jurisdiction of Thane Municipal Corporation, this Court had passed several orders being orders dated 12 June 2025, 19 June 2025, 26 June 2025, 14 July 2025, 04 August 2025 and 18 August 2025.

2. What can be seen is that the Municipal Commissioner of Thane Municipal Corporation was also directed to form wardwise committee to undertake a survey and identify the illegal construction and accordingly, take an appropriate action. As informed to us by Mr. Kumbhakoni and Mr. Limaye, learned counsel for Thane Municipal Corporation, the structure of the applicant-Mohd. Ahmed Hazi Sajjad was identified to be an illegal structure and according to the orders passed by this Court which are also not interfered by the Supreme Court, an action is now proposed to be taken. It is at such stage, it appears that the applicant has

addressed a letter to the Hon'ble the Chief Justice and such letter is converted into the present application.

3. Mr. Kumbhakoni and Mr. Limaye would submit that so far several illegal constructions are already demolished and as specifically noted by the orders placed on record of this Court, affidavits are filed on behalf of the municipal corporation stating that such buildings were completely demolished and brought to ground zero.

4. Although as per the directions of the Hon'ble the Chief Justice the Registry has listed the present interim application today, the applicant is not present.

5. Considering the facts of the case, in our opinion, as there is no material whatsoever that the construction as undertaken by the applicant is in any manner authorized, the municipal corporation needs to follow the law of the land and pass an oral order on the petition and would require to take an appropriate action.

6. In the event the applicant has any material, the applicant is free to take recourse to appropriate substantive proceedings and if such proceedings are filed, all contentions of the parties in that regard are expressly kept open.

7. It is, however, clarified that the present order in no manner should be inferred that the municipal corporation is in any manner prevented from taking any action in accordance with law against the illegal constructions.

8. With the aforesaid observations, we dispose of this interim application. No costs.

(AARTI SATHE, J.)

(G. S. KULKARNI, J.)