IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4779 OF 2024

Sadanand Tukaram Kadav .....Petitioner

Versus

The Municipal Commissioner & Ors. .....Respondents

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Mr. Dadhichi Mhaispurkar a/w Mr. Rishikesh Pawaskar & Mr. Rohan Patil, for the Petitioner.

Mr.P.J.Gavhane, A.G.P for the Respondent.

Mr. Sandeep Dilip Shinde a/w Ms. Riddhi Gurav & Mr. Jayvardhan Hajare for the Respondent Nos.1 to 3.

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CORAM : M. S. KARNIK &
SANDESH D. PATIL, JJ.

DATE : 6th OCTOBER, 2026

P.C.:-

1. By the present writ petition, the petitioner is seeking directions to the respondent Nos.1 to 3 for demolishing the unauthorized construction made by the respondent Nos.4 to 8 on the property owned by the petitioner.

2. It is the contention of the petitioner that the petitioner is the owner of the plot bearing Survey No.121, Hissa No.16E of Village Davadi, Taluka Kalyan, District Thane. The further contention of the

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petitioner is that the respondent Nos.4 to 8 had purchased the land belonging to his joint family property, which had fallen to the share of his brother namely Ananta Tukaram Kadav admeasuring about 192 sq.mtrs.out of Survey No.121, Hissa No.16A. It is submitted by the petitioner that the petitioner had lodged the complaint about the illegal structure erected by the respondent Nos.4 to 8, thereby requesting the Municipal Corporation to demolish the unauthorized structure. Despite that, no action was taken. Hence, the present petition.

3. Heard learned Counsel appearing for the parties.

4. The only grievance of the petitioner is that the Representation which is made by the petitioner to the respondent Nos.1 to 3 be decided as expeditiously as possible.

5. We have perused the said complaint / Representation made by the petitioner to the respondent Nos.1 to 3. The said representation is at 'Exhibit – D' to the petition.

6. There is yet another reminder letter dated 3rd August, 2021 sent by the petitioner to the respondent No.3. In these

circumstances, we are of the opinion that the respondent Nos.1 to 3 will have to decide the said Representation / complaint which are made to them regarding alleged illegal structure. The respondent Nos.1 to 3 will undoubtedly have to give a hearing to respondent Nos.4 to 8 before taking any action. Hence, the following order :

ORDER

(i) The respondent Nos.1 to 3 to decide the complaint / Representation of the petitioner dated 2nd June, 2016, annexed at 'Exhibit – D' to the petition, within a period of six months from today.

(ii) The respondent Nos.1 to 3 shall give a notice and a hearing to the respondent Nos.4 to 8 before taking any action.

(iii) In case, the petitioner as well as the respondents want to make comprehensive submissions, they are free to do so before the respondent Nos.1 to 3.

(iv) It is made clear that we have not gone into the merits of legality of the construction of respondent Nos.4 to 8 and that all contentions on merits as well as legality are kept open.

(v) Petition is accordingly disposed of.

(SANDESH D. PATIL, J.) (M. S. KARNIK, J.)