IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 627 OF 2023

Jaihind Dharma Patil .....Petitioner

Versus

The Thane Municipal Corporation Thr. The Municipal Commissioner & Ors. .....Respondents

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Mr. Sachin K. Hande for the Petitioner.

Mr. Mandar Limaye for the Respondent No.1 – TMC.

Mr. Amol P. Mhatre for the Respondent No.7.

Ms. Sandhya Mailagir i/b Mr. Anil D. Joshi for the Respondent Nos.2 to 5.

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

DATE : 5th OCTOBER, 2026

P.C.:-

1. The petitioner has approached this Court with a contention that the petitioner who is co-owner of the land situated at Kharigaon, Gat No.63/1, old Survey No.63, Hissa No. 15, Kalwa, within the limits of Kalyan Dombivli Municipal Corporation.

RUPALI RAJESH WAKODIKAR
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2. It is the contention of the petitioner that the petitioner, being a old person, could not resist the respondent Nos.2 to 7 who have encroached upon the land belonging to the petitioner. It is his contention that the said respondents have forcibly carried out illegal construction on the said land without permission from the Corporation. The petitioner made Representations to the respondent No.1 – Corporation to consider his grievance regarding the illegal construction on 9th May, 2020, 10th May, 2022 and 26th August, 2022. It is the contention of the petitioner that the said Representations of the petitioner are not being decided by Respondent No.1 - Corporation. Learned Counsel appearing for the petitioner submits that the Corporation is deliberately ignoring the Representations/complaints of the petitioner.

3. We have heard Mr. Limaye, the learned Counsel appearing for the respondent No.1-Corporation, Ms. Sandhya Mailagir, learned Counsel appearing for respondent Nos. 2 to 5 and Mr. Amol Mhatre, the learned Counsel appearing for the respondent No.7.

4. Since the only direction which the petitioner seeks is to decide his Representations and take appropriate action against the

respondent Nos.2 to 7, in case there is any merit in the contention of the petitioner, we dispose of the present petition with the following directions.

ORDER

(i) The Respondent No.1-Corporation shall give hearing to the petitioner as well as the respondent Nos.2 to 7 on the Representations/complaints of the petitioner dated 9th May, 2020, 10th May, 2022 and 26th August, 2022.

(ii) After giving due opportunity to all the parties, the respondent No.1-Corporation to take appropriate decision on the Representations of the petitioner in accordance with law.

(iii) We make it clear that we have not gone into the merits of any of the parties on the question of legality of the construction, and we keep all the contentions of all the parties on merits open.

(iv) The respondent No. 1-Corporation to decide the said Representations within a period of 6 months from today in

view of the directions given in the foregoing paragraph.

(v) Petition stands disposed of accordingly.

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