

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7404 OF 2024

Yashwant Anna Bhoir

....Petitioner

Versus

The State Of Maharashtra & Ors.

....Respondents

Mr. Avinash Fatangare a/w Ms. Archana Shelar, Advocate for the
Petitioner.

Mrs. M.P. Thakur, AGP for the Respondent/State.

Mr. Dinesh Adsule a/w Mr. Chinmay Bhole, Advocate for
Respondent No.4.

Mr. Vijay Killedar, Advocate for Respondent No.5.

Mr. Shanay Shah, *Amicus Curiae* is present.

CORAM : RAVINDRA V. GHUGE

&

ABHAY J. MANTRI, JJ.

DATE : 19th JANUARY, 2026

P.C. :-

1. In the light of the Judgment of this Court dated
19th September, 2025 and the earlier orders passed, we have perused
the affidavit dated 16th January, 2026 (Page Nos.82 to 86) tendered
by the Mr. Harishchandra Patil, presently serving as the Additional
District Collector, Thane and Member of the Kulgaon-Badlapur

Municipal Council Area Improvement Committee (The High Court Constituted Committee).

2. Upon going through the said affidavit with the assistance of the learned AGP, we find, to say the least, that the affidavit is just an eye wash. An attempt is made to convince us that effective steps are being taken by the Municipal Council.

3. This Court (Coram : G.S. Kulkarni & Arif S. Doctor, JJ.) had appointed G.M. Arch Pvt. Ltd. as a Court appointed expert. The learned *Amicus Curiae* has tendered before us a compilation (8 Pages), which is a comparative chart of suggestions given by the Court appointed expert and the High Court Constituted Committee. The same is taken on record and marked as 'X-1' for identification.

4. We find from the record that the Municipal Council is not able to honour even a single deadline, considering the steps proposed to be taken in the light of the suggestions of the Court appointed expert. Moreover, in 'X-1', the steps proposed to be taken by the High Court Constituted Committee appear to be short term measures from Page Nos.1 to 3 and the proposed long term

measures are set out from the Page No.3 to 8.

5. At this stage, we find that the Municipal Council is busy in its attempt to convey to the Court that it desires to take steps in right earnest in order to ensure compliance of the directions set out in the order of this Court dated 19th September, 2025. It is tried to be conveyed that the Municipal Council is preparing a road map in view of the suggestions of the High Court Constituted Committee. Until this day, the Municipal Council has not taken any steps worthy of being recognized as steps in the right direction and towards compliance of the directions of this Court.

6. In view of the above, the time has come for this Court to ensure that the Officers and especially the Municipal Council, are made aware that their continued attempt to create an eye wash would assume the character of disobedience of the orders of this Court. It would be appropriate to grant an opportunity to the concerned who are expected to act in terms of the directions of this Court and initiate quick steps and take long strides towards ensuring that the sewage being pumped into the Ulhas river is curtailed and stopped forever.

7. Since the State is a party before us, having noticed the enormous magnitude of the human created problem of dumping sewage into the Ulhas river without having proper Sewage Treatment Plants ('S.T.P.') being constructed by the Builders, who have constructed around 438 alleged unauthorized structures, we find it appropriate to direct all the Authorities in the State of Maharashtra, which would include the Corporation, Municipal Councils, the Local Authorities, Grampanchayat etc. that no structure would be granted an Occupancy Certificate until the structure is in accordance with the approved plans, building permissions and most importantly, unless and until S.T.P. are constructed for high rise buildings.

8. So also, all these Authorities in the State of Maharashtra shall initiate a drive to take stock of all such buildings and structures, wherein an S.T.P. has not been provided by the Builders (unless the sewage pipeline is connected to the underground drainage system provided by the Civic Authorities) and ensure that there is a move towards blacklisting the Builders and Construction Companies, who do not provide S.T.P. or sewage management for their structures. A survey be carried out by all these

Authorities and list of such Builders and Construction Companies be drawn on the basis of their structures and buildings erected wherein S.T.P. has not been provided.

9. In the event of the Civic Body having provided with underground sewage pipeline, such high rise buildings should have their sewage system connected to such underground Sewage Drainage Pipelines. Hereinafter, if we find, in the absence of such facility, that any Occupancy Certificate is granted, we would not only pass an order of blacklisting the Builders/Construction Companies, but we would also initiate action against concerned Officers of the Civic Authorities, who are responsible for issuance of such an Occupancy Certificate.

10. We are informed that the next meeting of the High Court Constituted Committee, which is also known as the Improvements Committee, is scheduled on 21st January, 2026.

11. We order the High Court Constituted Committee to meet at least once in a fortnight and generate the report containing the minutes of the meeting, to be placed before this Court. For the

purposes of better administration and proper assistance to the Court, we are appointing the District Collector of Thane to be the Chairperson of the High Court Constituted Committee, who would conduct its meetings, herein after. He would chair the meeting on 21st January, 2026 in his office and all the Members nominated by this Court would attend the meeting. The minutes of the meeting would be placed before us on 28th January, 2026, under the signature of the District Collector, Thane.

12. The minutes of the meeting would be shared by the District Collector, Thane with all the Members of the Committee including the learned *Amicus Curiae*, Mr. Shanay Shah. The Email address of Mr Shah is as under -:

shahshanay@hotmail.com

13 The Society as well as the Builder are before this Court in the form of Respondent Nos.5 and 6. The learned Advocate representing Respondent No.5/Builder submits that he has *suo moto* initiated steps in view of the order of this Court and has sought a statutory permission for establishment of the S.T.P. The Society Members are obstructing the installation of the S.T.P. We record that

where such obstruction is created by the Society Members, the Municipal Council would ensure proper Police protection to be provided to the Builder, who desires to install the S.T.P. in the buildings constructed by it, but also those buildings, which are presently standing, occupied and are now under the scanner of the High Court.

14. In view of Paragraph No.6 of the order dated 14th August, 2025, passed by this Court, we reiterate the directions and we would not hesitate to initiate action against those obstructing the compliances of our orders.

15. The learned *Amicus Curiae*, Mr. Shanay Shah has tendered a copy of the compilation of orders passed in the present Petition since 30th July, 2024 until 11th December, 2025 (117 Pages). The said compilation is marked as ‘Y-1’ for identification.

16. On 28th January, 2026, the Members of the High Court Constituted Committee would remain present in the Court for assistance. The District Collector, Thane/Chairman of the Committee, need not remain present in the Court.

17. We are listing this Petition for compliance hearing on
28th January, 2026 at 3:00 p.m.

(ABHAY J. MANTRI, J.)

(RAVINDRA V. GHUGE, J.)