

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL WRIT PETITION NO. 15937 OF 2024

Vikas Prakashchand Jain

...Petitioner

Vs.

The Bhiwandi Nizampur
Municipal Corporation
and Ors.

...Respondents

Mr. Abhijeet Kandarkar - Advocate for the Petitioner
Mr. N. R. Bubna - for the Respondents

CORAM : M. S. KARNIK AND
S. M. MODAK, JJ.

DATE : 08th JUNE 2026

P. C. :-

1. Heard learned counsel for the Petitioner.
2. The Petitioner alleges that the structure in question is dilapidated and therefore, it calls for demolition. The petition has been filed for appropriate directions to the Corporation to take action against such structure. In fact, it is submitted by learned counsel for the Petitioner that notice under Section 264 has already been issued. Obviously, the Corporation is bound to take the said notice to its

logical conclusion.

3. With the assistance of Mr. Kandarkar, learned counsel for the Petitioner as well as Mr. Bubna, learned counsel appearing for Respondent No. 1-Corporation, we have gone through the affidavit-in-reply filed by Respondent No. 3. Respondent No. 3 has taken a stand that structure in question is not in dilapidated condition.

4. In such view of the matter, learned counsel for the Petitioner as well as Corporation submitted that this petition could be disposed of in terms of the following order:-

ORDER

- a) The Petitioner as well Respondent No. 3 to remain present before the concerned authority/designated officer of Ward No. 4 of Bhiwandi Nizampur Municipal Corporation, Bhiwandi, District Thane on 23rd June 2026 at 11.00 a.m.
- b) The Designated Officer after hearing the Petitioner as well as the objection of Respondent No. 3 shall decide the further course of action on the notice which has been issued, in accordance with law within a period of four

weeks thereafter.

- c) In the event, the Designated Officer is satisfied that structure needs to be demolished, appropriate action shall be taken expeditiously.
- d) The action taken shall obviously be subject to any legal impediment arising from the suit filed by Respondent No. 3 or in proceedings challenging the decision of the Designated Officer. All contentions are kept open.

5. With the above observations, the Writ Petition is disposed of.

(S. M. MODAK, J.)

(M. S. KARNIK, J.)