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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 1738 OF 2026

Rajendra Vasant Surve

... Petitioner

Versus

Ward Officer

2/B Ward KDMC

.... Respondent

Ms. Preeti Mane a/w Mr. Akash S. Bhogil, for the petitioner.

Mr. Rohit Sakhadeo, for the respondents no. 1 & 2.

Mr. B.V. Samant, Addl. GP a/w Smt. G.R.Raghuwanshi, AGP for respondent-State.

**CORAM : M. S. KARNIK &
S. M. MODAK, JJ.**

DATE : 1st APRIL, 2026

P.C. :

1. In respect of a garage which is now used as an office premises by the occupant which according to the petitioner is constructed unauthorisedly without any building permission, the petitioner preferred a representation to the Kalyan Dombivali Municipal Corporation on 15/10/2025 which is at page 20 of the paper-book.

2. Learned counsel for the petitioner submitted that despite pointing out the said fact of an illegal construction, no action has been taken by the Corporation. Learned counsel appeared for the Corporation and submitted that the appropriate remedy for the

petitioner is to file a civil suit since the disputed questions are involved. However, in our opinion, as the present petition is filed alleging unauthorised construction, the Corporation must deal with the representation dated 15/10/2025 in accordance with law expeditiously. If it is found that there is substance in the case of the petitioner, then upon appropriate notice being issued to the occupant of the structure and after following due process and after hearing the petitioner, further action be taken in accordance with law.

3. The petition is disposed of.

(S. M. MODAK, J.)

(M. S. KARNIK, J.)