

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 2609 OF 2026

Sanjeev Mittal

Age : 64 years, Occ. :- Business,
having address at S/29, 1st and 2nd floor
Lavino Kapoor Compound, LBS Marg,
Gokul Nagar, Thane (West) 400 601.

... Petitioner

Versus

1. The State of Maharashtra
(Bombay High Court Mumbai)

2. Thane Municipal Corporation
having address at Utthalsar Committee
Jogila Market, Utthalsar Road,
Thane (West) 400 601

3. Jeetan Patel
having address at Ground floor
Lavino Kapoor Compound, LBS Marg,
Gokul Nagar, Thane (West) 400 601.

... Respondents

Mr. Pradeep Thorat a/w Mr. Rishikesh Soni i/b Raveena Yaddav for
Petitioner.

Mr. Saket Mone, 'B' Panel Counsel for the Respondent/State.

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

DATE : 16th MARCH 2026.

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P.C. (Per S. M. Modak J.) :-

1. The Petitioner wants this Court to issue directions to Respondent No.2- Thane Municipal Corporation to remove unauthorized encroachment alleged to be made by Respondent No.3 private person in the common areas of the building by name Lavino Kapoor Compound. It is true as per provisions of the Maharashtra Regional and Town Planning Act, 1966, it is the responsibility of the planning authority to take action for removal of the encroachment. It may be on a private land or on a public land, or it may be in the private building. It is very well true that to take any action, the planning authority is expected to follow the procedure laid down in the said Act and after arriving at the satisfaction they are supposed to take initial action.

2. If the Petitioner claims that Respondent No.3 has done encroachment on a common area, certainly he has got right to make complaint to the planning authority i.e. corporation. It is the planning authority before whom only the complaint can be made about removal of unauthorized construction. The Petitioner through advocate's notice

dated 18th November 2025 has brought it to the notice of corporation about said unauthorized construction. It is his grievance that neither the corporation has taken any action nor informed to the Petitioner. That is why this Petition.

3. Considering the limited reliefs we are inclined to grant relief. We do not find necessary to hear the Respondents. It is made clear that the Corporation is the final authority to take call on this complaint. It is for the corporation to decide whether any construction in the common areas is made and whether it is authorized. Even Respondent No.3 is to be heard. There are certain averments made in the Petition about right to hold the first floor and second floor premises and the lift. The Petitioner has also made certain averments about the history of his title. As, we are only issuing a direction to decide representation, we are not making any comment about the averments made in the Petition. We leave it to the decision of Respondent No.2. Hence, the following order:

ORDER

- (i) The Writ Petition is allowed.

- (ii) The Respondent No.2- Thane Municipal Corporation is directed to decide the representation made through legal notice dated 18th November 2025 issued by the Petitioner within the period of three months from communication of the order.
- (iii) The Petitioner is directed communicate this order to Respondent No.2.
- (iv) Respondent No.2 is directed to take a decision about the grievance by following the procedure as laid down in MRTP Act and in Maharashtra Municipal Corporation Act.

4. Writ Petition is disposed of.

(S.M.MODAK,J.)

(M.S.KARNIK, J.)