

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

CIVIL WRIT PETITION NO. 3555 OF 2026

Mr. Jayesh Hiralal Gupta
V/s.

.... Petitioner

The State of Maharashtra and Ors.

.... Respondents

Mr. Sandeep Mishra i/b. Adv. Madhura Mulay for the Petitioner.
Smt. M.P. Thakur, AGP for Respondent No.1 – State.
Mr. Aniesh S. Jadhav a/w. Adv. Mahadji Phalke, Mr. Nikhil Adkine and
Mr. Rushikesh Kekane for Respondent Nos.2 to 6.

**CORAM : M.S. KARNIK AND
SHYAM C. CHANDAK, JJ.**

DATED : 24th MARCH, 2026

ORDER : (PER : SHYAM C. CHANDAK, J.)

- 1) Heard Mr. Mishra, learned Counsel for the Petitioner.
- 2) Although several reliefs have been prayed for by the Petitioner, in the facts of the case and after hearing the parties, we deem it appropriate to consider this Petition only in relation to prayer clause (e) which reads thus :-

“ (e) This Hon’ble Court may be pleased to direct the respondents no.2 to 6 by an appropriate writ or an order to direct the respondent nos.2 to 6 to forthwith take action on the complaint dated 01.01.2026 made by the petitioner and thereby initiate action and take appropriate steps in respect of the irregularities and illegalities set out in the complaint. ”

- 3) The facts giving rise to this Petition are that, Respondent Nos.2 and 4 have published draft development plan under Section 26 of the

Maharashtra Regional and Town Planning Act, 1966 and invited suggestions and objections of public at large. ‘Anand Koliwada Main Road’ (Old Mumbra-Panvel-Pune Road) has been falling in the said plan. The Petitioner has taken objection on 21/11/2024 that “*the said existing road in the Development Plan shown with no road width and even in the Draft Development Plan also, it appears to be no road width.*” In the objection, the Petitioner has also requested Respondent Nos.2 to 6 to consider the congested area and density of the population of Anand Koliwada, etc. The Petitioner states that, the said road was encroached by unauthorized construction. On 29/12/2024, the Assistant Commissioner, Mumbra Prabhag Samiti, Thane issued notices under Section 260(1)(2) of the MMC Act to various shop holders whose structures are unauthorized and the same was carried out on the portion of said existing road. The Petitioner submits that on 01/01/2026 and prior to that, on several occasions, the Petitioner has made complaint against unauthorized construction as carried out on the said existing road. However, no action is taken on the said notice/s issued by the Authority and the complaints filed by the Petitioner. Therefore, the Petitioner has filed this Petition.

4) During the course of hearing of this Petition, the learned Counsel for Respondent Nos.2 to 6 – Thane Municipal Corporation, on instructions, made a statement that the said Representation will be decided by Respondent Nos.2 to 6 within a period of eight weeks from the date of

communication of this Order. Learned Counsel for the Petitioner has not taken any exception to this suggestion. Therefore, the said statement is accepted as an undertaking to the Court.

5) In the backdrop, the Petition deserves to be partly allowed.

Hence, we pass the following Order :-

(a) The Petition is partly allowed.

(b) The Respondent Nos.2 to 6-Thane Municipal Corporation are directed to take action on the complaint/representation dated 01/01/2026 filed by the Petitioner and decide the same within a period of eight weeks from the date of communication of this Order.

(c) The Respondent No.6 to look into the notice/s issued under Section 260(1)(2) of MMC Act in accordance with the law and after hearing the parties concerned take appropriate action.

(d) The question of delay on part of the Petitioner, is kept open.

6) Petition stands disposed of in aforesaid terms.

(SHYAM C. CHANDAK, J.)

(M.S. KARNIK, J.)

PREETI
HEERO
JAYANI

Digitally signed by
PREETI HEERO
JAYANI
Date: 2026.04.01
10:28:08 +0530