



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7542 OF 2023

Vaibhav Thakkar

... Petitioner

Versus

Mira Bhayander Municipal Corporation & Ors.

... Respondents

Mr. Manish N. Jain a/w. Ms. Ritu G. Gehlot i/b S M Jain Associates for the Petitioner.

Mr. Sagar Patil h/f. Mr. Mayuresh Lagu for the Respondent-Corporation.

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

CORAM : M. S. KARNIK AND

S. M. MODAK, JJ.

DATED : 1st APRIL, 2026.

PC. :

1. Heard learned counsel for the petitioner.
2. This writ petition concerns an illegal encroachment on common open space area of the Society premises and conversion of the same into parking slots. The petitioner seeks a direction to respondent Nos.1 and 2-Corporation to take action for removal of the said encroachment in the Society premises. The petitioner has made a comprehensive representation to the Municipal Corporation dated 5th September, 2022 which is at page 163 of the paper-book. Learned counsel for respondents-Corporation submits that Shri Lagu, learned counsel has filed a leave note. However, it



may not be necessary to adjourn the matter in view of the order we propose to pass.

3. The Mira-Bhayander Municipal Corporation is directed to examine the representation dated 5th September, 2022 made by the petitioner which is at page 163 of the paper-book on its own merits. If the Corporation finds substance in the grievance of the petitioners, appropriate action be initiated against the unauthorised encroachment after giving a due opportunity of hearing to the Society in accordance with law. This exercise may be undertaken expeditiously. The decision thereon be communicated to the petitioner.

4. Our attention is invited to the communication dated 7th November, 2022 addressed by the Corporation to the petitioner. However, according to learned counsel for the petitioner, so far as the subject encroachment is concerned, the same is within the Society premises. These aspects shall be examined by the competent authority before taking appropriate action on the representation.

5. The petition is disposed of.

(S. M. MODAK, J.)

(M. S. KARNIK, J.)