

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.9289 OF 2018

Apurva Co-operative Housing Society & Ors. .. Petitioners

Vs.

Thane Municipal Corporation & Ors. .. Respondents

Mr. Eirch Kotwal a/w. Mr. Sachin B. Thorat, for the Petitioners.

Ms. M.P. Thakur, AGP for Respondent-State.

**CORAM : SUNIL B. SHUKRE &
M.W. CHANDWANI, J.J.**

DATE : 25TH JANUARY, 2023.

P.C. :

1. Heard learned counsel for the petitioners.
2. The contention is that entire building of the petitioner-society has been demolished by Respondent No.1 in an illegal manner and only to suit the purpose of deceased Respondent No.3, who as stated by learned counsel for the petitioners, has expired during Covid Pandemic period. Learned counsel for the petitioners seeks leave of this Court to amend the petition, so as to bring on record the fact of unfortunate demise of Respondent No.3. Leave as prayed for is granted. Amendment to be carried on or before the next date.

3. Learned counsel for the petitioners also seeks leave of this Court to place on record additional documents, which are in the nature of internal correspondence of Respondent No.1. Leave as prayed for is granted. A set of copies of these documents be furnished to the other side.

4. Considering the contentions raised in this petition, reply of the Corporation is necessary. So far, Respondent No.1 has not filed its reply in the matter. We direct the Commissioner of Thane Municipal Corporation to look into the matter and ensure that reply of Thane Municipal Corporation is filed on record on or before the next date, failing which this Court would pass appropriate orders against those responsible for not filing reply on behalf of the Thane Municipal Corporation. We request the learned counsel for the Corporation to supply a copy of this order to the Commissioner of Thane Municipal Corporation for his compliance. Stand over to **23rd March, 2023.**

5. All concerned to act on a copy of this order duly authenticated by the Court Sheristedar/ Court Associates of this Court.

[M.W. CHANDWANI, J.]

[SUNIL B. SHUKRE, J.]