

JVS.

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

**WRIT PETITION NO. 9122 OF 2016  
WITH**

**INTERIM APPLICATION NO. 3546 OF 2021**

Hidayatulla Mohammad Hasan Khan } Petitioner  
Versus  
Thane Municipal Corporation & Ors. } Respondents

Mr. A. A. Maniyar, Advocate for the Petitioner.

Mr. Mandar Limaye, Advocate for Respondent Nos. 1 to 3.

**CORAM: SHREE CHANDRASHEKHAR, C.J. &  
GAUTAM A. ANKHAD, J.**

**DATE: 27<sup>th</sup> MARCH 2026**

**P.C.:**

By an order dated 7<sup>th</sup> February 2020, the Hon'ble Supreme Court interfered with the order passed by this Court on 21<sup>st</sup> June 2018 and observed that the High Court may endeavor to dispose of the claim for alternative accommodation or compensation in accordance with law and policy of the Municipal Corporation as applicable.

2. In the affidavit in reply filed on behalf of the respondent nos. 1 to 3, the Municipal Corporation has stated that the petitioner would be entitled to FSI/TDR subject to NOC obtained by him from other four co-owners and producing relevant documents of title to the Town Planning Department.

3. The affidavit so filed on 11<sup>th</sup> February 2022 is not happily worded. In our view, the Corporation has unnecessarily again asked the petitioner to produce title documents which are already on

record. The Corporation was, therefore, required to reflect on the materials produced by the petitioner. In any event, we do not find any such dispute raised by the Corporation before the Hon'ble Supreme Court when the aforementioned direction was issued in Civil Appeal Nos. 1253-1271 of 2020.

4. Having regard to the facts and circumstances of the case, we hereby direct the Thane Municipal Corporation to ensure that a determination on quantum of compensation in the form of FSI/TDR is made within a period of two weeks and affidavit be filed in the present proceedings.

5. Post the matter on 17<sup>th</sup> April 2026.

**[GAUTAM A. ANKHAD, J.]**

**[CHIEF JUSTICE]**