

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****WRIT PETITION NO. 16293 OF 2024**

Sameer Mohammad Yusuf Patel

... Petitioner

V/s.

The Panvel Municipal Corporation & Ors.

... Respondents

Mr. Dilip Shinde i/b Mr. Ajay Patil for Petitioner.

Mr. Meet Sawant i/n K.P. Law Associates LLP for Respondent No.1.

Mr. Rahul Sinha i/b DSK Legal for Respondent No.2.

Mr. Harsh Dedhia a/w Mr. Shubham Joshi for Respondent Nos. 3 and 4.

Ms. Savina R. Crasto, A.G.P. for Respondent-State.

**CORAM : A. S. GADKARI AND
KAMAL KHATA, JJ.****DATE : 29th April 2025.****P.C. :**

1) By the present Petition, Petitioner is seeking relief of taking legal action against the illegal constructions carried out by the Respondent Nos. 3 and 4 on the plot of land specifically mentioned in the Petition.

2) Mr. Sawant, learned Advocate appearing for Respondent No.1 submitted that, the said area falls within the territorial jurisdiction of Respondent No.2 and therefore the Panvel Municipal Corporation cannot take any legal action, even if the constructions are illegal.

3) Mr. Sinha, learned Advocate appearing for Respondent No.2 submitted that, in the year 2024 itself, the concerned Authority of CIDCO has

informed the PMC that, the plot of land on which the alleged illegal constructions are carried out by Respondent Nos. 3 and 4 falls within the jurisdiction of Respondent No.1 itself. Therefore the concerned Authority of Respondent No.1 is liable to take necessary action against it.

4) In view of aforementioned contrary submissions, we deem it appropriate to direct the Commissioner of Respondent No.1 to file its detailed reply to the Petition. We direct the Commissioner of Respondent No.1 not to delegate its power to any subordinate Officer while filing reply.

4.1) The Respondent No.1 shall explain in Affidavit, as to whether the alleged illegal constructions fall within its jurisdiction, if the answer is yes, then what legal action is adopted till today or will be adopted in that behalf.

5) We also direct the Respondent No.2, to file his detailed reply to the Petition.

5.1) The said replies be filed within a period of six weeks from today.

6) Stand over to 17th June 2025.

(KAMAL KHATA, J.)

(A.S. GADKARI, J.)