

2/2014

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From:

1) Shri Nitesh Rajendra Dalvi,
Room no.140, Wagheshwari Nagar,
S.D. Lanjekar Marg,
Parel, Mumbai 400 012.

2) ...
Room No. 112; Sidharth Nagar,
Opp. Vijayshree Bil.; Koparai Colony;
Thane. Mob:- 98333 20649

3) Mrs Shilpa Warang.
A-4, Rajdeep Society,
Anil Ubhale Marg
Ghatkopar (E), Mumbai

4) Shri Mahesh S. HARYANI
D-402; Radha Co.op. Hsg. Soc.;
Kalyan Shil Rol.; Sonarpada;
Dombivalli (E); Mum:- 421201
Mob:- 98 2052 5857.

Dated: 15th December, 2014

To Encroachment Dept.

- 1) Navi Mumbai Municipal Corporation
Plot No.1 Palm Beach Road, Sector 15,
CBD Belapur, Navi Mumbai
- 2) Additional Town Planning Department,
Sector 18, CBD Belapur, Navi Mumbai
- 3) The Municipal Commissioner,
Navi Mumbai Municipal Corporation,
Plot No.1 Palm Beach Road, Sector 15,
CBD Belapur, Navi Mumbai

16/12/14
लेखनिक
नगरपालिका विभाग
नवी मुंबई महानगरपालिका
2 प्रती
Akat
92-72-92

Sub: Unauthorized construction carried out by Sitting MLA Mrs. Manda Vijay Mhatre and her sons Shri Yogesh Vijay Mhatre and Nilesh Vijay Mhatre on plot no. F/8, Sector 29, Agroli, CBD, Belapur, Navi Mumbai - 400 614.

Respected Sir,

- 1) We are Indian Inhabitants and the voters, whose names are enrolled in the electoral roll maintained by Election Commissioner. We are the citizens of India. We are issuing this notice in the interest of public at large and with a view to secure maintenance of the rule of the land. We have no personal interest in the subject matter or in the issue which we have raised vide this notice. We also do not have any personal enmity with the above named persons.
- 2) We state that above named Mrs Manda Vijay Mhatre has recently contested the election of member of Legislative Assembly from Belapur constituency and got elected from the said constituency as a candidate from Bharatiya Janta Party.

Said Smt. Manda Mhatre while filing the nomination form for the said constituency disclosed that she is residing in the Building of her own or of her above named sons, constructed on above mentioned plot no. F/8, Sector 29, Agroli, CBD, Belapur, Navi Mumbai 400 614, hereinafter referred to as 'Said plot'

- 3) We state that during enquiry it revealed that said plot was acquired by said sons of Smt. Manda Mhatre under Tripartite Agreement dated 17th January, 2008. In said plot in the said agreement, is shown as admeasuring 240 sq. meters. The copy of said agreement is lying in your records. Upon further enquiry, it revealed that said sons of Manda Mhatre approached you nos. 1 and 2 interalia seeking your approval for the construction of then proposed ground plus stilt plus 4 upper floors structure and submitted plans for approval to you nos. 1 and 2 through Architect M/s Identity Architects and Interior Designers having office at 405, Prabhat Centre, Annexe CBD-Belapur, Navi Mumbai 400 614. It further revealed that you nos. 1 and 2 approved the plans under VP No.1298/24.4.2008 and also issued Occupation Certificate no.FR/V/B/-5964/970 dated 9th March, 2010. We could secure the true copy of the said occupation plan from your office, the copy whereof for your ready reference, is annexed herewith and marked as 'ANNEXURE -A'.
- 4) It appears from the said sanctioned plan and/or sanctioned occupation plan that approval was accorded by your office on the basis of FSI 1:50. Accordingly for the said plot of 240 sq. meters permissible FSI was 360 sq. meters. Total approved built FSI as per said occupation plan is 358.305 sq. meters plus stair case area admeasuring 82.185 sq. meters and balcony area admeasuring 63.417 sq. meters. Said staircase and balcony area appears to have been permitted as 'free of FSI', may be as per relevant DC rules and regulations. Total gross built up area as per said plan is indicated as 503.907 which is obviously inclusive of above stated permissible FSI plus free FSI of staircase and balcony.
- 5) Respected sir, we had an occasion to inspect the actual construction carried out on the said plot. In our humble submission the actual constructed are is much more than the permissible FSI. We have reasons to believe that either during the course of construction of the said building or thereafter, various alterations and or additions have been made by said Mhatre family in the said building which are absolutely illegal, unauthorized and in violation of the DC rules and regulations. Said Smt. Manda Mhatre for a considerable period and particularly during the concerned period was the sitting Corporator of your Corporation and obviously was having sufficient influence and control over the acts and affairs of the corporation. We have reasons to believe that by misusing her influence,

control and power. she in collusion with her sons and in connivance with your officers caused to be erected of considerable magnitude, unauthorized and or illegal additions and alterations and thereby committed breach of the relevant DC Rules and Regulations and thus have actively became party to the unauthorized construction.

6) We are pointing out in gist the unauthorized additions and or alterations which are made by said Mhatre family in the said existing building, which is known as 'GAURAV'. Said unauthorized additions and alterations are beyond the sanctioned plan and against the DC rules and Regulations. The details whereof are as under:-

- a) At the stilt floor a roof in the open marginal space is constructed without permission.
- b) The access to the said plot is actually shown in the sanctioned plan from 7 meter wide road, but actually at site, said access has been changed and provided from 30 meter wide road. So it is a deviation from the sanctioned / Occupation plan.
- c) Chhajja projection of kitchen on second floor has been included in the room and thereby built-up area has been increased, which is against DC rules and beyond the sanctioned plan.
- d) Chhajja projection of the study room on the third floor has been included in the room and thereby more built up area is used in the construction of said room which is violative of the sanctioned / occupation plan, approved FSI, and DC rules and regulations.
- e) Pergola shown in the fourth floor of the sanctioned plan, has been filled and a new terrace has been created and constructed, which is not shown in the sanctioned / occupation plan. Thus this amounts to unauthorized and illegal addition and construction beyond the sanctioned plan.
- f) A new room has been constructed on the terrace. In the sanctioned plan, upon terrace floor plan, no such room is shown or indicated, but actually new room has been created and thereby built up area has been increased in violation of the sanctioned / occupation plan and DC rules.
- g) There is other illegal construction on the terrace which violates the approved FSI.
- h) The compound wall of the intersection of the roads is not as per the sanctioned / occupation plan.
- i) The dimension of the chowk is 2.05m which is less than the required dimension of 2.5m. This is again violative of the DC rules.

We state that by carrying out about stated alterations and or additional construction, said Mhatre family has committed breach of Section 52 and 53 of the MRTP Act. Being the planning authority, it is your statutory obligation to take action against the violators of law, regardless to their political status. In fact said Smt. Manda Mhatre being the sitting MLA and Ex-Corporator is expected to follow the provisions of law strictly and is not expected to involve or support in unauthorized and or illegal construction. You being the statutory corporation is also under obligation not to cause any discrimination and to take action in accordance with the law against the all or any illegalities caused or committed by anybody. It is pertinent to note that said Smt. Manda Mhatre in her nomination form disclosed the said building standing on the said plot as her own residential place of abode. It is painful to note that a sitting MLA is residing in a building in which above stated various illegal and unauthorized constructions have been done and same has been obviously done with her active support, knowledge and consent. Kindly note that by doing above stated illegal and or unauthorized construction and or additions and/or alterations, said Mhatre family has consumed illegally additional built up FSI than the permissible FSI of 1:1.50. By consuming such additional FSI, not only the breach and violation of the DC rules and regulations is committed, but an attempt has been made to misuse the office of public servant.

- 8) We are annexing herewith the concerned photographs of the said building wherefrom few of the illegalities mentioned above are manifest. The said photographs are collectively marked as ANNEXURE 'B'.
- 9) We have also reasons to believe that said Smt.Manda Mhatre has incurred disqualification from holding the post of MLA due to such active participation and or residence in the unauthorized construction. We are therefore, marking the copy of this notice to the Election Commissioner, interalia for their reference and further action as may be required under law.

10) In the above mentioned circumstances, we earnestly require you to comply with the following requisitions within 15 days receipt hereof:-

- a) To take action against said Smt. Manda Vijay Mhatre and her sons i.e. Mr Yogesh and Nilesh Mhatre under Section 52 and 53 of the MRTP Act read with section 260 of the MMC Act for unauthorized user and or illegal construction and to lodge offence against the said offenders as provided under the said provisions of law.
- b) To issue show cause notice to the said Smt. Manda Vijay Mhatre and her sons i.e. Mr Yogesh and Nilesh Mhatre and secure the removal of

unauthorized construction and/or to secure the restoration of unauthorized change of user by following further process of law.

11) Kindly note that if above stated requisitions are not complied with, then we shall be left with no other alternative but to take further steps against you and the said offenders as may be provided under law. You alone shall be liable for the consequences arising out of such action.

Yours faithfully,

1) Shri Nitesh Rajendra Dalvi

N. R. Dalvi

2) Shri. SANTOSH J. MORE

S. J. More

3) Mrs Shilpa Warang

Shilpa

4) Shri. MAHESH S. HARYAN

M. S. Haryan

Encl. As stated

cc:

- 1) Election Commissioner,
For your reference and further action.
- 2) The Chief Minister, Govt. of Maharashtra
- 3) The Town Development Department, Mantralaya
- 4) M/s Identity Architects and Interior Designers having office at 405, Prabhat Centre,
Annexe CBD-Belapur, Navi Mumbai 400 614