

ARJUN
MACHHINDRA
KADAM

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

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WRIT PETITION NO. 2690 OF 2025

Bhavana R Babarot

... Petitioner

Versus

The Chief Executive Officer, SRA & Ors.

... Respondents

Mr. Mayur Khandeparkar i/b Ms. Aparna Devkar for the Petitioner.
Mr. G. S. Godbole, Senior Advocate a/w. Mr. Sachin Mhatre, Ms. Smriti Sajeew i/b Mhatre Law Associates for Respondent No.4.
Mr. Prakhar Tandon i/b Ms. Ravleen Sabharwal for the Respondent-SRA.

CORAM : **M. S. KARNIK AND**
SANDESH D. PATIL, JJ.
DATED : **25th AUGUST, 2026.**

P.C. :

1. We have heard Mr. Khandeparkar, learned counsel for the petitioner and Mr. Godbole, learned Senior Advocate for respondent No.4.
2. We are not referring to the facts and arguments in detail considering the fair stand of the learned counsel for the respondent-SRA after the matter was heard for some time.
3. Suffice it to observe that the petitioner is the owner of a plot adjoining which respondent No.3 is constructing a high rise building. It is the contention of the petitioner that composite PTC Scheme under Section 33 (11) of the Development Control Regulations was proposed adjoining the petitioner's property on the vacant plot of land. It is the contention of

the learned counsel that taking advantage of the composite scheme and the exemptions which were permissible, the marginal open spaces were carved out in respect of the PTC composite project considering at the height as 37.55 meters. It is the submission that respondent No.4 did not proceed with the PTC project but have later on, upon obtaining permissions from the SRA which are not in accordance with law, are proceeding to construct the high rise building of the height of 51 meters taking advantage of exemptions which were available for PTC project. Moreover, it is submitted by the learned counsel that respondent No.4 has encroached on the petitioner's property to the extent of 44 sq. meters as can be seen from the report of the SRA. Even this area of 44 sq. meters has been taken into consideration while submitting the plans and the sanction thereof by the SRA which is completely contrary to law. It is submitted that a representation has been preferred to the SRA, but the SRA has not paid any attention to the representation.

4. Learned counsel for the SRA as well as learned Senior Advocate for respondent No.4 vehemently opposed all the contentions of the petitioner. Mr. Godbole pointed out that a suit was filed by the petitioner for somewhat similar reliefs and the same was dismissed. Moreover, it is pointed out that so far as 44 sq. mtrs. Encroachment is concerned, there has been an adjustment in the past and therefore the petitioner cannot

take advantage of the report of the SRA wherein reference is made by the SRA to the encroachment. It is the submission of Mr. Godbole that encroachment is not a matter which can be dealt with by the planning authority. It is then submitted by Mr. Godbole that all the plans have been sanctioned in consonance with DCPR and after obtaining all the permissions. Mr. Godbole submitted that the building is fire compliant and all permissions have been duly obtained as per the DCPR.

5. Learned counsel for the SRA though argued against the petitioner, after obtaining instructions, submitted that the representation which the petitioner has preferred, a reference to which is in the prayer clause of this petition will be duly considered after hearing the petitioner as well as respondent No.4.

6. We make it clear that in view of the concession of the learned counsel for the petitioner, SRA as well as respondent No.4, that we are passing the following order. We are not making any observations on the contentions as raised.

(i) The petitioner as well as respondent No.4 to appear before the SRA on 2nd September, 2026 at 11.00 a.m.

(ii) The Chief Executive Officer of the SRA after hearing the petitioner as well as respondent No.4 to pass appropriate orders on the representation, a reference to which is made in the prayer

clause, or this petition itself could be treated as a representation on which the SRA to pass appropriate orders in accordance with law within a period of four weeks from 2nd September, 2026.

(iii) It is also open for the petitioner to make an appropriate application before the Chief Executive Officer for appropriate interim relief if the representation is not decided within the aforesaid period.

(iv) It is also open for respondent No.4 to file a detailed representation before the Chief Executive Officer, SRA.

7. The petition is disposed of.

(SANDESH D. PATIL, J.)

(M. S. KARNIK, J.)