

**BASAVRAJ
GURAPPA
PATIL**

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

**WRIT PETITION NO.132 OF 2021
WITH
INTERIM APPLICATION NO.371 OF 2022
IN
WRIT PETITION NO.132 OF 2021**

**Akhil Sanpada Sanskrutik Pratisthan Applicant /
Intervenor**

**Tanzimul Muslimin Society
Sanpada & Ors. Petitioner**

Vs.

**The Commissioner,
Navi Mumbai Municipal
Corporation & Ors. Respondents**

**Mr. R. D. Soni for the Applicant
Mr. Sharique Nachan with Akif Patel, Azeem Shaikh and
Maaz Syed I/b. Judicare Law Associates for the Petitioner
Mr. Sandeep Marne for the Respondent / Corporation
Mr. Akansha Helaskar for the original Respondent
Mr. P. P. Kakade, Government Pleader with Mr. Y. D. Patil,
AGP for the State**

**CORAM: A.A.SAYED &
ABHAY AHUJA, JJ.**

**DATED : JANUARY 31, 2022
(VIDEO CONFERENCING)**

P.C.

**1 The Writ Petition impugns the letter dated 27th
December 2018, which reads as follows:**

“Navi Mumbai Municipal Corporation
Office : NMMC Head Office, Plot No.1, Near Kille
Gaonthan, Palm beach Junction, C.B.O., Belapur,
Navi Mumbai – 400614.
Tel.: 022-27567070/71
Fax : 022-27577070

Ref. No. NMMC / TPD / ADTP / 5116 / 2018

Date : 27.12.2018

To,
M/s.Tanjimul Muslimeen Society,
Plot No.17A, Sector-8
Sanpada, Navi Mumbai.

Subject:- Regarding permission for construction of
proposed Masjid on Plot No.17A, Sanpada
Sector-8

Reference:-1) Proposal dated 27.09.2018 of the
architect appointed by M/s.Tanjimul
Muslimeen Society

2) This Office Letter Outward No.NMC /
TPD /CP /Online No.20181CNMMC14241 /
4584 / 2018 dated 17.11.2018

3) Hon. Deputy Commissioner of Police,
Letter Outward No.PO / NM / SB / General /
4270 / 2018 dated 11.12.2018 received in
this office on 21.11.2018.

Sir,

On receipt of the proposal for construction of
Masjid on Plot No.17A, Sector-8 at Sanpada as per
Reference no.1 in the case of subject matter; this Office
has given construction permission as per Reference
no.2 after conducting technical scrutiny of the said
proposal.

When this office has sought the Police Department's views on the representation made by the Akhil Sanpada Residents Mahasangh in the said case, the Hon'ble Deputy Commissioner of Police, Special Branch has informed as per Reference no.3 that a big question of law and order may arise due to friction among local residents and Muslim brothers if attempts were made to construct a Masjid here, in future. Since it has been further informed that the possibility of the loss of lives and public/private property due to occurrences of untoward serious incidents cannot be ruled out, this Office is hereby imposing temporary stay on the construction permission granted on 17.11.2018, till further orders.

Yours,
Sd/-XXX
(Owais A. Momin)
Assistant Director, Town Planning,
Navi Mumbai Municipal Corporation.”

2 We have perused the order dated 8th August 2014 in Writ Petition No.1270 of 2014 (Exhibit-A, Page-43 of the Petition) and order dated 7th August 2018 in Writ Petition No.660 of 2018 (Exhibit-U, Page-103 of the Petition). Pursuant to the aforesaid orders, admittedly, the Petitioners have been granted construction permission on 17th November 2018 after scrutinizing the proposal of the Petitioners.

3 In our view, having been granted construction permission, only on the basis of the representation of one

Akhil Sanpada Residents Mahasangh that a law and order situation may arise due to friction amongst the communities, cannot be the reason to temporarily stay the construction permission which has been granted on 17th November 2018. It is for the Authorities to ensure that the law and order is maintained at all costs. If the Respondent Corporation apprehends any law and order situation, they can always write to the local Police Station, which shall provide necessary assistance so as to maintain law and order.

4 In the circumstances, the Petition is allowed. The impugned letter dated 27th December 2018 is set aside. The Petition to stand disposed of accordingly.

5 The Intervention Application of the Intervenor Akhil Sanpada Sanskrutik Pratisthan is dismissed leaving all it's contentions open.

(ABHAY AHUJA, J.)

(A.A.SAYED, J.)