

Arun

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 1028 OF 2024

Delight Realtors ...Petitioner
Versus
 State of Maharashtra Through Urban ...Respondents
 Development Dept & Ors

Mr SU Kamdar, Senior Advocate, with Aditi Rungta, Agnel Carneiro & Shahvir Dastur, i/b Mulla & Mulla & Craigie Blunt & Caroe, for the Petitioner.

Mr AA Alaspurkar, AGP, for the Respondent-State.

Mr Saket Mone, with Devansh Shah, i/b Vidhii Partners, for Respondents Nos. 3, 4 (MMRDA) & Respondent No. 6 (MSRDC).

Mr Shantanu Katkar, i/b Vishwanath Patil, for Respondent No.5.

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**CORAM G.S. Patel &
Kamal Khata, JJ.**
DATED: 5th March 2024

PC:-

1. Rule. Returnable forthwith.

2. This is a very peculiar situation. Mr Kamdar, learned Senior Advocate for the Petitioner, complains that a Stop Work Notice dated 25th November 2023 has been issued to the Petitioner in respect of development on a plot of land at village Sanor, Taluka Vasai, District Palghar. This was on the basis that the land was

allegedly affected by the alignment of a proposed road. That road was proposed by the Mumbai Metropolitan Region Development Authority (“**MMRDA**”), the 4th Respondent. At page 67 is a sketch plan that shows in orange the then proposed road alignment. The Petitioner’s plot is several hundred metres away from that alignment and cannot possibly affect that road alignment.

3. We are told that MMRDA had proposed another road alignment which might have affected the Petitioner’s plot. We are also told that there is now a revision to the present alignment and this revised or re-revised alignment will not affect the Petitioner’s plot.

4. Yet, and this is the peculiarity, the MMRDA is unable to make a statement about the withdrawal of the stop work notice. This is exceedingly peculiar. If the plot is unaffected by even the revised / re-revised road alignment, we see no reason why the impugned stop work notice should continue for another three months. Public authorities must understand that these stop work notices come at the very real cost of individuals and entities who are required to finance their construction.

5. Having regard to the statement made by the MMRDA in regard to the revised / re-revised road alignment, we make Rule absolute in terms of prayer clause (a) at page 25 which reads as follows:

“(a) that this Hon’ble Court be pleased to issue a Writ of Certiorari and/or in the nature of Certiorari and/or any other appropriate writ, direction or Order under Article 226

of Constitution of India calling for the records and proceedings leading to the issuance of the Impugned Stop Work Notice dated 25.11.2023 (EXH. "H") and after considering the validity or otherwise thereof, be pleased to quash and set aside the Impugned Stop Work Notice dated 25.11.2023."

6. There will be no order as to costs.

(Kamal Khata, J)

(G. S. Patel, J)