

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

WRIT PETITION NO.5788 OF 2024

Sunrise Construction Company

Thr. Its Sole Prop. Anil Ramchandra Goyal ... Petitioner

V/s.

State of Maharashtra, Throu. Urban Development

Department & Ors. ... Respondents

Mr. Agnel Carneiro a/w Gayatri Sathe i/by Mulla & Mulla & Craigie Blunt & Caroe for the Petitioner.

Ms. Dhruti Kapadia, AGP for Respondent No.1-State.

Mr. Akshay Shinde for Respondent No.4-MMRDA.

Mr. Devansh Shah i/by Vidhhi Partners for Respondent No.6-MSRDC.

**CORAM : ARIF S. DOCTOR &
 SOMASEKHAR SUNDARESAN, JJ.**

**DATE : 5TH NOVEMBER 2024
 [VACATION COURT]**

P.C. :

1. The Petition impugns a Stop Work Notice dated 28th November 2023 issued by Respondent No.2.

2. Mr. Agnel Carneiro, Learned Counsel appearing on behalf of the Petitioner invites my attention to another order dated 5th March 2024 passed by this Court and submits that a similar Stop Work Notice had been quashed and set aside since the property in question was not affected by the alignment of the road. He also invites our attention to an order dated 23rd July 2024 passed in the very Petition in which this Court records in Paragraph 4 as follows :-

"4. Mr. Shinde the learned counsel for Mumbai Metropolitan Region Development Authority (MMRDA) seeks a short adjournment to obtain instructions. Ms. Sagvekar the learned counsel for Vasai Virar City Municipal Corporation (VVMC) (Respondent No.4) submits that the stop work notice was issued by the Corporation on the directions of MMRDA."

3. Mr. Shinde, Learned Counsel appearing on behalf of Respondent No.4 has submitted that the MMRDA has placed on record the letter dated 13th August 2024 clarifying that the Petitioner's land/plot has not been affected by the said Versova-Virar Sea Link Project.

4. However, since it is Respondent No.2 who has issued the Stop Work Notice, it is for Respondent No.2 to appraise the Court of its withdrawal of Stop Work Notice.

5. Learned Counsel appearing on behalf of the Petitioner submits that each day's delay is causing grave financial prejudice to the Petitioner and thus he submits that the same may be quashed and set aside at the earliest in the absence of Respondent No.2 making any such statement to this effect.

6. Given what has transpired today before us, we are listing the matter on 7th November 2024. We are directing the Petitioner to once again serve notice upon Respondent No.2 as also personally intimate the Advocates appearing on behalf of Respondent No.2 and file an Affidavit in support thereof.

7. It is made clear that if on the next occasion if no one appears on behalf of Respondent No.2, the Court shall proceed to hear and dispose of the Petition on the basis of submissions that are made.

(SOMASEKHAR SUNDARESAN, J.)

(ARIF S. DOCTOR, J.)