

Wadhwa

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 5788 OF 2024

Sunrise Construction Co through its Sole Proprietor Anil Ramchandra Goyal ...Petitioner
Versus
State of Maharashtra through Urban Development Department & Ors ...Respondents

Mr SU Kamdar, *with Ms Aditi Rungta, Agnel Carneiro, Shahvir Dastur, Ms Gayatri Sathe & Mr Smith Colaco, i/b Mulla & Mulla & Craigie Blunt & Caroe, for the Petitioner.*

Ms Swati Sagvekar, *for the Respondent Nos. 2 & 5.*

Mr Akshay Shinde, *for Respondent No.4.*

Mr Kedar Dighe, **Addl GP**, *with AA Alaspurkar, AGP, for the Respondent-State.*

Mr Saket Mone, *with Ms Anchita Nair & Devansh Shah, i/b Vidhii Partners, for Respondent No. 6-MSRDC.*

**CORAM M.S. Sonak &
 Kamal Khata, JJ.**

DATED: 23rd July 2024

PC:-

1. The Petitioner challenges the stop work notice dated 28 November 2023 issued to the Petitioner in respect of development on a plot of land at Village Sandor, Taluka Vasai, District Palghar. This was on the basis that the Petitioner's land was allegedly affected by alignment of a proposed road.

2. Mr Kamdar points out that an identical notice dated 25 November 2023 was issued to the Petitioner in Writ Petition No. 1028 of 2024. That Petition was disposed of by order dated 5 March 2024. The order disposing of the said Petition records that the alignment of the proposed road has now been revised and therefore, the same, would not affect the plot of the Petitioner in Writ Petition No. 1028 of 2024. A copy of the order dated 5 March 2024 is annexed to the Petition at pages 78 to 80.

3. Mr Kamdar now submits that the plot which is the subject matter of this Petition is adjacent to the plot which was the subject matter of Writ Petition No. 1028 of 2024. He therefore submits that even this Petition, should be allowed based on our order dated 5 March 2024 in Writ Petition No. 1028 of 2024.

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.

5. Accordingly, we list this matter on 31 July 2024 to enable the learned counsel for MMRDA to obtain necessary instructions.

(Kamal Khata, J)

(M.S. Sonak, J)