

Arun

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 643 OF 2024**

Suresh Govindan Nair ...Petitioner
Versus
The Municipal Commissioner of Greater ...Respondents
Mumbai MCGM & Ors

**WITH
WRIT PETITION NO. 658 OF 2024**

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RAMCHANDRA
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Jyoti Raju Nagar ...Petitioner
Versus
The Municipal Commissioner of Greater ...Respondents
Mumbai & Ors

**WITH
WRIT PETITION NO. 671 OF 2024**

Bhaskaran Sreevalson Nair ...Petitioner
Versus
The Municipal Commissioner of Greater ...Respondents
Mumbai & Ors

**Mr Simil Purohit, with Vaibhav Sugdare, JK Shah, Pooja Shah,
Rahul Gupta & Govind Munde, i/b RJ Law, for the Petitioners.
Mr Suraj Gupte, AGP, for the Respondent-State in WP/643/2024.
Ms Poonam Mital, AGP, for Respondent No 4-State, in
WP/658/2024 & WP/671/2024.
Mr Kunal Waghmare, with Pooja Yadav, i/b Sunil Sonawane, for the**

Respondent-MCGM.
Mr Pratik Tandel, *Sub-Engineer (Development Plan), MCGM,*
present.

CORAM G.S. Patel &
Kamal Khata, JJ.
DATED: 1st March 2024

PC:-

1. These Petitions need to be commended for their inventiveness and for the flights of fancy or imagination with which they are conceived.

2. The Petitioners have plots of land that are under reservation. The Municipal Corporation of Greater Mumbai (“**MCGM**”) has deposited the necessary amounts, and acquisition proceedings are under way but the lands are affected by existing structures and these have been subjected to notices inter alia under Section 351 of the Mumbai Municipal Corporation Act, 1888 (“**the MCGM Act**”).

3. The submission from the Petitioners is extraordinary. There is no dispute that there are indeed structures or that the Petitioners are themselves using these structures for commercial or some form of industrial activity. What is being urged by Mr Purohit is that the Petitioner should be allowed to carry on with these activities on an undertaking to remove the structures once the acquisition process is complete and compensation is paid but, in the meantime, the Section 351 notices should be stayed so that the commercial activity

can continue to flourish in this illicitly constructed and unauthorised structures.

4. We decline to use our Writ jurisdiction to assist the Petitioners in this enterprise.

5. The prayer to expedite the acquisition process is also rejected.

6. We do, however, expedite the process of enforcement of the Section 351 notices.

7. At this stage, Mr Purohit learned Advocate for the Petitioners on instructions seeks leave to withdraw these Petitions.

8. These Petitions are accordingly dismissed as unconditionally withdrawn.

(Kamal Khata, J)

(G. S. Patel, J)