



Pradnya

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**ORDINARY ORIGINAL CIVIL JURISDICTION**  
**WRIT PETITION NO. 2043 OF 2024**

Mulund Hare Ram CHS Ltd. ...Petitioner  
*Versus*  
Municipal Corporation of Greater Mumbai and ...Respondents  
ors.

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**Mr. Prathamesh Bhargude**, *i/b. Mr. Ranjit Shinde, for the Petitioner.*  
**Ms. Meena Dhuri**, *for the Respondent-BMC.*  
**Mr. Chetan Kapadia, Senior Advocate**, *a/w Mr. Sharad*  
*Wakchoure, Ms. Vandana Bait, i/b. Mr. Amey Deshpande, for*  
*Respondent Nos.2 and 3.*

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**CORAM    M.S. Sonak &**  
**Kamal Khata, JJ.**  
**DATED:    24th July 2024**

**PC:-**

1.     Heard learned counsel for the parties.
2.     The Respondents are permitted to file and serve their affidavits within one week from today i.e. on or before 31st July 2024.
3.     The challenge in this Petition is to the impugned order dated 25th September 2023 by which the BMC has decided to convert a private road into a public road.

4. The speaking order dated 25th September 2023 at Exhibit 'G' (Page 69) is transcribed below for reference of convenience.

*“In this case during hearing this office has informed that this office has intimated the proposal to declare subject private road as public road for the large public interest to provide Municipal services. Moreover this office also informed that as per Property Card record details, the ownership of subject road land belongs to M/s. Minerva Dealers Pvt. Ltd. and this office has received No Objection letter from M/s. Minerva Dealers Pvt. Ltd. for declaring subject private road as public road and provided said photo copy to Mr. Makesh Eipe and Members of Hare-Rama CHSL during above said hearing.*

*In view of all above facts and in large public benefit interest to provide Municipal services, the process for declaring above subject private road as public road will be further processed as per prevailing BMC policy by this office, which may be noted.”*

5. The above order is sought to be defended by Respondent Nos.2 and 3 based on a compilation of documents now tendered across the bar and also a document dated 28th February 2024 which suggests that a road in question is now widened in the DP plan.

6. From the submissions made before us by Mr. Chetan Kapadia, learned Senior Advocate for Respondent Nos.2 and 3, we think that this is an attempt to justify the impugned order based on certain reasons which find no reflection whatsoever in the order dated 25th September 2023. This is only our prima facie opinion until the BMC and the Respondent Nos.2 and 3 file their affidavits.

7. The impugned order proceeds on the premise that one M/s. Minerva Dealers Pvt. Ltd. is the owner of this private road and has given the NOC. The BMC has relied on the property card. Learned counsel for the Petitioner however submits that they have conveyance which is placed on record at page 32 onwards in the paper-book of this Petition. These are all matters which will have to be considered once the BMC and the Respondent Nos.2 and 3 file their affidavits.

8. However, until then, the impugned order will have to be stayed. Accordingly, we stay the impugned order dated 25th September 2023 until the next date.

9. If the Petitioner wishes to file rejoinder, the Petitioner should file and serve the same by 12th August 2024.

10. Stand over to 14th August 2024.

**(Kamal Khata, J)**

**(M.S. Sonak, J)**