

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL WRIT PETITION NO. 1912 OF 2025

M/s. Malkani Builders and Developers	]	
Through its proprietor	]	
Shri Yusuf Alimohammad Malkani	]	... Petitioner

V/s.

1.	The Collector,	]	
	Taluka and District - Palghar	]	
2.	The Tahsildar, Palghar	]	
3.	Smt. Mehernigar Altaf Husein Baig	]	
4.	State of Maharashtra.	]	... Respondents

Mr. Sagar P. Batavia for Petitioner.

**CORAM : A. S. GADKARI AND
KAMAL KHATA, JJ.**

DATE : 7th February 2025.

P.C. :

- 1) Not on board. Upon mentioning, taken on board.
- 2) Present Petition is moved by the Advocate for the Petitioner after the Court's working hours. Even then we heard learned Advocate for Petitioner in chamber at length.
- 3) By the present Petition, the Petitioner has prayed for issuance of a direction for considering his Applications dated 22nd February 2023 and 8th June 2023 and for a direction to Respondent Nos.1, 2 & 4 to decide his

Applications in a time bound schedule in respect of the Petitioner's land, more specifically mentioned in the prayer clause of the Petition.

4) Record indicates that, the building/structure (suit structure) constructed by the Petitioner is without lawful prior approval and/or sanction from any competent Authority, as per the prevailing provisions of law. Thus, the suit structure is thoroughly illegal and unauthorised one.

5) Record further indicates that, in a Petition being Writ Petition No. 16377 of 2024 filed by the Respondent No.3 for demolition of the illegal construction carried out by the Petitioner, the co-ordinate Bench in its Order dated 3rd February 2025 has observed that, the Respondent Nos.1 & 2 are not taking any action against the suit structure. The only inference which can be drawn is that the Respondent Nos.1 & 2 are indirectly supporting the illegality of Petitioner, which cannot be countenanced.

5.1) It is thus apparent that, not only this Bench but the co-ordinate Bench also has observed that, the suit structure is illegal and requires necessary legal action by the concerned Respondents.

5.2) In view thereof, we are not inclined to grant any relief to the Petitioner.

6) According to us, there are no merits in the Petition.
Petition is accordingly dismissed in *limine*.

(KAMAL KHATA, J.)

(A.S. GADKARI, J.)