IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1576 OF 2025

Shahajahan Abulkalam Chaudhary ...Petitioner
Versus
The State Of Maharashtra & Ors. ...Respondents

WITH
WRIT PETITION NO. 1578 OF 2025

Khursheed Ahmed Ruhullah Kureshi ...Petitioner
Versus
The State Of Maharashtra & Ors. ...Respondents

WITH
WRIT PETITION NO. 1579 OF 2025

Nijamuddin Maqubul Chaudhary ...Petitioner
Versus
The State Of Maharashtra & Ors. ...Respondents

WITH
WRIT PETITION NO. 1581 OF 2025

Mohammad Ismil Mansuri ...Petitioner
Versus
The State Of Maharashtra & Ors. ...Respondents

WITH
WRIT PETITION NO. 1584 OF 2025

Rahul Udaypal Yadav ...Petitioner
Versus
The State Of Maharashtra & Ors. ...Respondents

WITH
WRIT PETITION NO. 1586 OF 2025

Abdur Raheman M. Khan ...Petitioner
Versus
The State Of Maharashtra & Ors. ...Respondents

WITH
WRIT PETITION NO. 1588 OF 2025

Niyaz Ahmed Rafatullah Chaudhary ...Petitioner
Versus
The State Of Maharashtra & Ors. ...Respondents

WITH
WRIT PETITION NO. 1589 OF 2025

Iliyas Abdulmajid Choudhary ...Petitioner
Versus
The State Of Maharashtra & Ors. ...Respondents

WITH
WRIT PETITION NO. 1591 OF 2025

Israil Samiullah Shaikh ...Petitioner
Versus
The State Of Maharashtra & Ors. ...Respondents

WITH
WRIT PETITION NO. 1592 OF 2025

Udaypal Mahadev Yadav ...Petitioner
Versus
The State Of Maharashtra & Ors ...Respondents

WITH
WRIT PETITION NO. 1593 OF 2025

Mohammed Salim Abdul Qudus Chaudhary ...Petitioner
Versus
The State Of Maharashtra & Ors. ...Respondents

WITH
WRIT PETITION NO. 1594 OF 2025

Imran Salim Memon ...Petitioner
Versus
The State Of Maharashtra & Ors. ...Respondents

WITH
WRIT PETITION NO. 1705 OF 2025

Muktar Rajjak Qureshi ...Petitioner
Versus
The State Of Maharashtra & Ors. ...Respondents

WITH
WRIT PETITION NO. 1706 OF 2025

Najma Rafik Choaudhari ...Petitioner
Versus
The State Of Maharashtra & Ors. ...Respondents

WITH
WRIT PETITION NO. 1916 OF 2025

Abdul Mateen Mohammedumer Shaikh ...Petitioner
Versus
The State Of Maharashtra & Ors. ...Respondents

WITH
WRIT PETITION NO. 1923 OF 2025

Mohammed Aqeel Mohammed Yusuf Chaudhary ...Petitioner
Versus
The State Of Maharashtra & Ors. ...Respondents

WITH
WRIT PETITION NO. 1924 OF 2025

Waquar Ahmed Chaudhary ...Petitioner
Versus
The State Of Maharashtra & Ors. ...Respondents

WITH
WRIT PETITION NO. 1939 OF 2025

Mohammadhusain Bhikulla Shah ...Petitioner
Versus
The State Of Maharashtra & Ors ...Respondents

WITH
WRIT PETITION NO. 1940 OF 2025

Abdulwahid Hidisulla Khan ...Petitioner
Versus
The State Of Maharashtra & Ors. ...Respondents

WITH
WRIT PETITION NO. 1941 OF 2025

Abdul Moeed Choudhary ...Petitioner
Versus
The State Of Maharashtra & Ors. ...Respondents

WITH
WRIT PETITION NO. 1942 OF 2025

Mohammed Irfan Mohammed Rafique Khan ...Petitioner
Versus
The State Of Maharashtra & Ors. ...Respondents

WITH
WRIT PETITION NO. 1943 OF 2025

Choudhary Mohammed Vakil Mohammed Yusuf ...Petitioner
Versus
The State Of Maharashtra & Ors. ...Respondents

WITH
WRIT PETITION NO. 1944 OF 2025

Mohammed Aqeel Mohammed Yusuf Chaudhary ...Petitioner
Versus
The State Of Maharashtra & Ors. ...Respondents

WITH
WRIT PETITION NO. 1945 OF 2025

Ashfaquahmed Nisarahmed Chaudhary ...Petitioner
Versus
The State Of Maharashtra & Ors. ...Respondents

WITH
WRIT PETITION NO. 1946 OF 2025

Chaudhary Mohammed Vakil Mohammed Yusuf ...Petitioner
Versus
The State Of Maharashtra & Ors. ...Respondents

WITH
WRIT PETITION NO. 1947 OF 2025

Mohhamed Waseem Mahibullah Chaudhary ...Petitioner
Versus
The State Of Maharashtra & Ors. ...Respondents

WITH
WRIT PETITION NO. 1948 OF 2025

Firoz Ahmed Shamsullah Choudhary ...Petitioner
Versus
The State Of Maharashtra & Ors. ...Respondents

WITH
WRIT PETITION NO. 1949 OF 2025

Ashok Kumar Guliram Gupta ...Petitioner
Versus
The State Of Maharashtra & Ors. ...Respondents

WITH
WRIT PETITION NO. 1950 OF 2025

Khan Shahanshah Mutafa ...Petitioner
Versus
The State Of Maharashtra & Ors. ...Respondents

WITH
WRIT PETITION NO. 1952 OF 2025

Mohd Shafeek Mohd Yusuf Choudhary ...Petitioner
Versus
The State Of Maharashtra & Ors. ...Respondents

WITH
WRIT PETITION NO. 2093 OF 2025

Ruksana Ashad Choudhary ...Petitioner
Versus
The State Of Maharashtra & Ors. ...Respondents

WITH
WRIT PETITION NO. 2094 OF 2025

Ansari Hafizurrehman Mohammed Shahid ...Petitioner
Versus
The State Of Maharashtra & Ors. ...Respondents

WITH
WRIT PETITION NO. 2095 OF 2025

Ishrat Ali Izar Ali Shaikh ...Petitioner
Versus
The State Of Maharashtra & Ors ...Respondents

WITH
WRIT PETITION NO. 2096 OF 2025

Zakariya Umar Memon ...Petitioner
Versus
The State Of Maharashtra & Ors. ...Respondents

WITH
WRIT PETITION NO. 2097 OF 2025

Isaque Usman Pathan ...Petitioner
Versus
The State Of Maharashtra & Ors. ...Respondents

WITH
WRIT PETITION NO. 2098 OF 2025

Mohammad Anwar Khan ...Petitioner
Versus
The State Of Maharashtra & Ors. ...Respondents

Adv. Sahil D. Choudhari for Petitioner(s) in all Petitions.
Adv. Kedar B. Dighe for Respondent- PCMC in all Petitions.
Adv. R.M. Shinde, A.G.P. for Respondent-State in WP/1576/2025, WP/1584/2025, 1588/2025, WP/1705/2025, 1916/2025, WP/1949/2025 and WP/2094/2025.
Adv. M. P. Thakur, A.G.P. for Respondent-State in WP/1578/2025, WP/1942/2025, WP/1943/2025 and WP/1944/2025.
Adv. Leena Patil, A.G.P. for Respondent-State in WP/1594/2025.
Adv. Dhruti Kapadia, A.G.P for Respondent-State in WP/1581/2025.
Adv. Tanu N. Bhatia, A.G.P. for Respondent-State in WP/1586/2025, WP/1924/2025, WP/1947/2025, WP/1952/2025 and WP/2097/2025.
Adv. Snehal S. Jadhav, A.G.P for Respondent-State in WP/1579/2025, WP/1592/2025, WP/1706/2025, WP/1940/2025, WP/1941/2025, WP/1948/2025, WP/1950/2025 and WP/2098/2025.
Adv. P. V. Nelson Rajan, A.G.P. for Respondent-State in WP/1589/2025, WP/1939/2025, WP/1945/2025 and WP/2095/2025.
Adv. A.A. Alaspurkar, A.G.P. for Respondent-State in WP/1591/2025, WP/1593/2025, WP/1923/2025, WP/1946/2025, WP/2093/2025 and WP/2096/2025.

CORAM : A. S. GADKARI AND
SHYAM C. CHANDAK, JJ.
DATE : 13th February 2025.

P.C. :

1) It is an admitted fact on record that, the Petitioner's structures are thoroughly illegal and erected in contravention of all the laws of the land. There is no approval or sanction accorded by any competent authority/planning authority for erecting suit structures.

2) Learned Advocates for the Respondents pointed out the fact that on an earlier occasion a demolition drive was scheduled on 30th January, 2025 with the aid of necessary police protection. However, all of a sudden a

humongous mob gathered at the area of the suit structures and indulge into 'Rasta Roko Abhiyan', thereby halting vehicular traffic on the highway for about four hours.

2.1) It appears to us that the Petitioners have more faith in adopting extra constitutional measures than the constitutional remedies.

3) Be that as it may as the suit structures mentioned in the Petitions are thoroughly unauthorized and illegal structures. The Hon'ble Supreme Court in the case of Rajendra Kumar Barjatya and Anr. V/s. U.P. Avas Evam Vikas Parishad and Others reported in 2024 SCC OnLine SC 3767 in paragraph 20 has held as under:

> "20. In the ultimate analysis, we are of the opinion that construction (s) put up in violation of or deviation from the building plan approved by the local authority and the constructions which are audaciously put up without any building planning approval, cannot be encouraged. Each and every construction must be made scrupulously following and strictly adhering to the Rules. In the event of any violation being brought to the notice of the Courts, it has to be curtailed with iron hands and any lenience afforded to them would amount to showing misplaced sympathy. Delay in directing rectification of illegalities, administrative failure, regulatory inefficiency, cost of construction and investment, negligence and laxity on the part of the authorities concerned in performing their obligation(s) under the Act, cannot be used as a shield to defend action taken against the

illegal/unauthorized constructions. That apart, the State Governments often seek to enrich themselves through the process of regularization by condoning/ratifying the violations and illegalities. The State is unmindful that this gain is insignificant compared to the long-term damage it causes to the orderly urban development and irreversible adverse impact on the environment. Hence, regularization schemes must be brought out only in exceptional circumstances and as a onetime measure for residential houses after a detailed survey and considering the nature of land, fertility, usage, impact on the environment, availability and distribution of resources, proximity to water bodies/rivers and larger public interest. Unauthorized constructions, apart from posing a threat to the life of the occupants and the citizens living nearby, also have an effect on resources like electricity, ground water and access to roads, which are primarily designed to be made available in orderly development and authorized activities. Master plan or the zonal development cannot be just individual centric but also must be devised keeping in mind the larger interest of the public and the environment. Unless the administration is streamlined and the persons entrusted with the implementation of the act are held accountable for their failure in performing statutory obligations, violations of this nature would go unchecked and become more rampant. If the officials are let scot-free, they will be emboldened and would continue to turn a nelson's eye to all the illegalities resulting in derailment of all planned projects and pollution, disorderly traffic, security risks, etc."

4) As the suit structures in the present Petitions are thoroughly illegal and unauthorized structures, we are not inclined to exercise our jurisdiction under Article 226 of the Constitution of India to protect them.

5) Petitions are accordingly dismissed.

(SHYAM C. CHANDAK, J.) **(A.S. GADKARI, J.)**