

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 4142 OF 2025

Utkarsh Associates

...Petitioner

Versus

The State of Maharashtra & Ors

...Respondents

Mr. Shekhar Jagtap a/w Ms Sairuchita Chowdhary for Petitioner.

Ms Savita A. Prabhune AGP for the State/Respondent No.1

CORAM : G.S. KULKARNI &
ARIF S. DOCTOR, JJ.

DATE : 20th JUNE, 2025.

P.C:

1 This petition under Article 226 of the Constitution of India is filed
praying for the following substantive reliefs:

“A. The Hon'ble Court may kindly issue a writ of mandamus and any other appropriate writ and/or direction and/or order and thereby direct that the impugned Stop Work Order bearing outward No. 4472 dated 18.10.2024, issued under Section 267 of the Maharashtra Municipal Corporations Act, 1949 and Section 54 in the Maharashtra Regional and Town Planning Act, 1966 vis-à-vis the impugned Show Cause Notice bearing No. 4473 dated 18.10.2024, issued by the Respondent No.3, with respect to the City Survey No. 966/1, (Old Survey No. 1082) admeasuring 945.28 sq. mtrs., Raviwar Peth, Pune, are arbitrary, illegal, ultra vires, and therefore may be pleased to quash and set aside the same;

B. The Hon'ble Court may kindly issue a writ of mandamus and any other appropriate writ and/or direction and/or order and thereby direct the Respondents, more particularly the Respondent No. 2,3 and 4, and their representatives vis-à-vis officers, from interfering with the rights of the Petitioner with respect to the City Survey No. 966/1, (Old Survey No. 1082) admeasuring 945.28 sq.mtrs., Raviwar Peth, Pune and/or creating any obstacle in the construction at the writ property;”

2 Heard the learned counsel for the parties.

3 Mr. Jagtap, learned counsel appearing on behalf of the petitioner, at the outset, submits that the petitioner is a developer, who had purchased the property in question as described in the petition, and had commenced construction thereon. He then submitted that the said property had been incorrectly classified as WAQF property, in respect of which order dated 18th October 2024 was issued under Section 267 of the Maharashtra Municipal Corporations Act 1948 and Section 54 of the Maharashtra Regional Town Planning Act, 1966 pursuant to a show cause notice dated 18th October 2024. His basic grievance is that despite the petitioner's detailed responses / representations dated 20th October 2024 and 27th January 2025 setting out how the said property in question was not WAQF property and thus the issuance of the stop work notice was bad-in-law, have not been considered. Mr. Jagtap submitted that for the present, the petitioner's grievances would stand redressed if the petitioner's representations/letters dated 20th October 2024 and 27th January 2025 are considered by respondent no.3. He would hence, submit that the petitioner would not press for the aforesaid substantive reliefs.

4 Having heard the learned counsel for the parties, we find that even otherwise, it would be statutory duty of the respondents to consider and decide the stand of the petitioner as more particularly stated in the representations/letters dated 20th October 2024 and 27th January 2025 which are quite recent and bearing contemporary grievance. Hence, we dispose of the petition with the direction to respondent no.3 to dispose of the petitioner's representations/letters dated 20th October 2024 and 27th January 2025 made

against the stop work order dated 18th October 2024 within a period of four weeks from today.

5 Petition disposed of in the aforesaid terms. No costs.

[ARIF S. DOCTOR, J.]

[G.S. KULKARNI, J.]