

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.7310 OF 2025**

Tarun Maganlal Paliwal & Anr. ... Petitioners
V/s.

Bhiwandi Nizampur City Municipal Corporation & Anr. ... Respondents

Mr. C. K. Tripathi for the Petitioners.

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

DATE : 10TH JUNE 2025

PC. :

1. In view of the urgency as set out, we have heard Learned Counsel for the Petitioners.

2. This Petition under Article 226 of the Constitution of India is filed praying for the following substantive reliefs:

“(a) this Hon’ble Court by its appropriate writ, order and direction be pleased to call for the records and proceedings in respect of notices dated 29.5.2025 from the office of respondent No.2 and after examining the validity and propriety of the said notices dated 29.5.2025, be pleased to set aside and quash impugned notices dated 29.5.2025 being Exhibit “I” and Exhibit “J” respectively in respect of said properties/premises viz. (1) Plot of land admeasuring about 92.27 square meters area bearing City Survey No.2319/A, along with Pacca structure of house standing thereon admeasuring about 10’ x 24’ ground + 2 upper floors each admeasuring 10’ x 24’ sq.ft. Built up area bearing Municipal House No.38/0, Thana Road, Taluka Bhiwandi, District Thane (2) Plot of land admeasuring about 43.9 square meters area bearing City Survey No.2315/1, along with Pacca structure of house standing thereon admeasuring about 188.5 sq. ft. equivalent to 17.51 sq. mts. Built up area bearing Municipal House No.39/3, Thana Road, Taluka Bhiwandi, District Thane.

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- (b) this Hon'ble Court by its appropriate writ, order and direction be pleased to restrain the respondents themselves, their servants, agents and/or any person or persons claiming through or under them from taking any coercive action in pursuance to the notices dated 29.5.2025 being Exhibit "I" and Exhibit "J" hereto in respect of (1) Plot of land admeasuring about 92.27 square meters area bearing City Survey No.2319/A, along with Pacca structure of house standing thereon admeasuring about 10' x 24' ground + 2 upper floors each admeasuring 10' x 24' sq.ft. Built up area bearing Municipal House No.38/0, Thana Road, Taluka Bhiwandi, District Thane (2) Plot of land admeasuring about 43.9 square meters area bearing City Survey No.2315/1, along with Pacca structure of house standing thereon admeasuring about 188.5 sq. ft. equivalent to 17.51 sq. mts. Built up area bearing Municipal House No.39/3, Thana Road, Taluka Bhiwandi, District Thane."

3. The grievance of the Petitioners is *qua* the demolition notice dated 29th May 2025 issued to the Petitioners to remove their respective structures for road widening. It is the Petitioners' case that already some part of the structure was removed. It is contended that demolition as also a further demolition which would be undertaken under the impugned notice dated 29th May 2025 is illegal.

4. It is in these circumstances the Petition was mentioned today at 11.00 a.m. before us when we permitted production of the papers and proceedings at 3.00 p.m.

5. At 3.00 p.m. Learned Counsel for the Petitioners on instructions states that today a team of Corporation official has

undertaken further demolition for road widening in pursuance of the impugned notice dated 29th May 2025.

6. In this view of the matter, as demolition has already taken place, in our opinion further adjudication of the Petition is not called for as the notice appears to have been taken to its logical conclusion.

7. At this stage, Learned Counsel for the Petitioners submits that the Petitioners are entitled for compensation for the land and the structure that has been acquired/taken over by the Municipal Corporation. He submits that the Petitioners intend to resort appropriate proceedings on the Petitioners' case of illegal demolition as also to claim monetary compensation. In our opinion, the Petitioners are entitled to urge such plea, as the law may permit in appropriate proceedings.

8. Keeping open all contentions of the parties in this regard, we dispose of this Petition.

9. No costs.

(ARIF S. DOCTOR, J.)

(G.S. KULKARNI, J.)