

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7376 OF 2025

Binoy Pramodkumar Shah

...Petitioner

Versus

Mira Bhayander Municipal Corporation

Thr. The Commissioner & Ors.

...Respondents

Mr. A. R. Gole for the Petitioner.

Ms. S. A. Prabhune, AGP, for Respondent-State.

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

DATE: 18th JUNE 2025

P.C.

1. We have heard learned Counsel for the Petitioner. In our view, the petition is thoroughly misconceived. The Petitioner is not the owner of the land in respect of which he alleges that Respondent No. 4 has undertaken unauthorized construction. The owner of the land has also not been made a party to the petition. The Petitioner contends that he has a development agreement with the owner, and in such circumstances, he would be entitled to maintain this petition filed under Article 226 of the Constitution, which has prayed for the following substantive reliefs:

“a. That writ of mandamus, writ in the nature of mandamus or any other appropriate writ, direction or order be issued and the Respondents No.1 and 2 be directed to take action in accordance with law of demolition of the structures unlawfully and illegally constructed on the said land bearing Survey No.86, Hissa No.4, 5A & 5B at village Kashi, district Thane, within such time as this Honourable Court may deem fit and proper.

b. That writ of mandamus, writ in the nature of mandamus or any other appropriate writ, direction or order be issued and the Respondents No.1 and 2 be directed to take action in accordance with law of demolition of the structures unlawfully and illegally constructed on the said land bearing Survey No.86, Hissa No.4, 5A & 5B at village Kashi, district Thane, within such time as this Honourable Court may deem fit and proper.”

2. We are clearly of the opinion that the rights of the Petitioner are wholly contractual. The Petitioner cannot allege any violation of either any constitutional or any legal rights under the Maharashtra Municipal Corporation Act, 1949.
3. Accordingly, the Petition is thoroughly misconceived, it is rejected. No costs.
4. Needless to observe that if the Petitioner has any other grievance, he is entitled to pursue appropriate remedy as may be available in law. All contentions of the parties in that regard are expressly kept open.

(ARIF S. DOCTOR, J.)

(G. S. KULKARNI, J.)