



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 9373 OF 2025

Sangeeta Manohar Bhoir and Ors.

...Petitioners

Versus

Kalyan Dombivali Municipal Corporation
and Ors.

...Respondents

Mr. Atharva Dandekar i/b Mr. Gautam J. Jain, for Petitioners.

Mr. A.S. Rao, for Respondent Nos. 1 to 4.

Ms. Anita Chaware, for Respondent Nos. 5 to 10.

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

DATE: 11th AUGUST 2025

P.C.

1. This Petition is filed under Article 226 of the Constitution of India. The
Petitioners are praying for the following reliefs:-

“a) Issue a Writ of mandamus or any other writ, order or direction in the nature of mandamus directing the Respondent Nos. 1 to 3 to forthwith take action in accordance with law to remove/ cause removal of all illegal structures erected by Respondent No. 5 to 10 on the Subject Plot bearing Survey No. 41/2/A situated at Village Vadeghar, Taluka: Kalyan, District: Thane;

b) Issue to Respondent No. 4 a writ of mandamus or writ order or direction in the nature of mandamus requesting Respondent No. 4 to forthwith inspect the structures being dhaba and tea stall erected by Respondent Nos. 5 to 10 upon the Subject Plot bearing Survey No. 41/2/A situated at Village Vadeghar, Taluka Kalyan, District: Thane, and carry out inspection of the activities carried out and materials stored by Respondent Nos. 5 to 1- therein and file an appropriate report before this Hon'ble Court in respect of what activities are being carried out, what materials, such as Gas cylinders etc. are being stored in the structures erected by the Respondent Nos. 5 to 10 and whether any fire safety approval has been obtained by the said Respondent Nos. 5 to 10.

c) That in the event it is found that the eating house is being run without fire safety approvals and in violations of applicable

provisions of law, Issue a writ a mandamus or other writ, order of direction in the nature of mandamus, requiring Respondent No 4 to forthwith seal the premises u/s 8 of the Maharashtra Fire Prevention and Life Safety Measures Act, 2006;

d) Pass an order pending the hearing and final disposal of the present Petition restraining Respondent Nos. 5 to 10 their agents, servants or any person/s claiming through or under them or acting on their behalf or at their behest from running any eating house/ tea stall/ Dhaba/ or carrying out any other activities upon the Subject Plot bearing Survey No. 41/2/A situated at Village Vadeghar, Taluka: Kalyan, District: Thane;

e) Pass an order pending the hearing and final disposal of the present Petition restraining the Respondent Nos. 5 to 10 their agents, servants or any person/s claiming through or under them or acting on their behalf or at their behest from entering upon the Subject Plot bearing Survey No. 41/2/A situated at Village Vadeghar, Taluka: Kalyan, District : Thane;

f) Grant to the Petitioners ad-interim relief in terms of Prayers (d) and (e) above;

g) Provide for costs of the present Petition;

h) Grant to the Petitioners such other and further relief/s as this Hon'ble Court may deem fit in light of the facts and circumstance of the case."

2. At the outset, we are not inclined to entertain this Petition for the reason that we are informed that there are multiple Civil Suits which are pending before the Civil Court between the Petitioners and Respondent Nos. 5 to 10. The land in question is also the subject matter of adjudication in the said Suits. The complaint of the Petitioners is of some unauthorised construction on the land. Certainly, it was available to the Petitioners to move application in the said pending Civil Suits and seek appropriate orders. We also find that there is no disclosure in regard to the filing of the Suits, in this Petition, when invoking the equitable jurisdiction under Article 226 of the Constitution of India. Prayers in Suits and which are said to be multiple Suits, are also not informed to this Court. On this ground, this Petition needs to fail.

3. Be that as it may, there is a representation dated 25th June 2025 made by the Petitioners to the Municipal Corporation in regard to such unauthorised construction. Although we are not inclined to consider any disputed questions of fact as such representation is pending, let the same be decided in accordance with law after opportunity of hearing is granted to all the concerned parties.

4. All contentions of the concerned parties in that regard are expressly kept open.

5. Subject to the aforesaid observations, the Writ Petition stands disposed of.

(ARIF S. DOCTOR, J.)

(G. S. KULKARNI, J.)