

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.10386 OF 2025

Lalbahadur Ramyash Yadav, Age 56 years,
R/o.Room No.6/B, Shripat Yadav Chawl,LBS Nagar,
90 Feet Road, Sakinaka, Mumbai-400 072.

Petitioner

Versus

1. The Additional Collector (encroachment/Removal)
East Suburbs, Mumbai.
2. The Assistant Commissioner, L Ward, BMC;
3. The Municipal Corpn. Of Greater Mumbai

Respondents

Mr.Amey Sawant with Ms.Eshwaree Kudalkar, Advocate for Petitioner.

Ms.Meena Dhuri with Ms.Pushpa Yadav i/by Ms.Komal Punjabi for BMC.

Mr.Rakesh Pathak, AGP for Respondent State.

Mr.Rohan R.Tari, Road Engineer, 'L' Ward, present.

CORAM: **G. S. KULKARNI &
AARTI SATHE, JJ.**

DATE: **25th September 2025**

P.C.

1. This petition is filed under Article 226 of the Constitution of India,
which prays for the only substantive relief, which reads thus :

“a) to direct the Respondent no.2-Assistant Commissioner, L Ward,
to consider and decide the application dated 10.2.2023 filed by the
Petitioner, along with the reminder application dated 9.10.2024 filed
by the Petitioner, strictly in accordance with the directions contained
in the order dated 6.1.2023 passed by Respondent no.1-Additional
District Collector (Encroachment/Removal), East Suburbs, within a
period of four weeks, or as this Hon’ble Court may deem fit and
proper”

2. The Petitioner is primarily aggrieved by the inaction on the part of
Respondent no.2 i.e. the Assistant Commissioner, L-Ward, Municipal Corporation

for Greater Mumbai for failing to decide the application dated 10th February 2023 which was filed by the Petitioner pursuant to the directions issued by Respondent no.1 i.e. the Additional District Collector, Eastern Suburbs (Encroachment/Removal) vide order dated 6th January 2023. It is the Petitioner's contention that by order dated 6th January 2023 passed by the Respondent no.1, he had partly allowed Petitioner's appeal and directed the Respondent no.2 to conduct an inquiry and decide the eligibility claim of the Petitioner within three months of the passing of the aforesaid order. Pursuant to the said order the Petitioner had filed his representation before Respondent no.2 with all the requisite documents in support of his shop which is located in 'L' ward, Mumbai, which has got affected by the proposed road widening project undertaken by the Respondent authorities. In support of his contentions, the Petitioner has submitted list of various documents and also it is his contention that when the road widening was undertaken, the Petitioner's shop was included in the list of affected structures.

3. It is on this backdrop that the Petitioner's eligibility application needs to be decided expeditiously by Respondent no.2. The Petitioner's application dated 10th February 2023 is pending before Respondent no.2 since over two years and this is causing grave prejudice to the Petitioner.

4. In our view, considering the limited relief that the Petitioner seeks in this petition and although there being no written opposition/reply of the Respondents, considering the nature of orders we propose to pass, no prejudice would be caused to the Respondents. The following order would serve the ends of justice.

ORDER

- (i) We direct the Respondent no.2 i.e. the Assistant Commissioner, 'L' Ward, Municipal Corporation for Greater Mumbai, to consider and decide the application dated 10th February 2023 filed by the Petitioner along with reminder application dated 9th October 2024, in accordance with law as expeditiously as possible, preferably within a period of six weeks from the date this order is made available to the said Respondent by the Petitioner;
- (ii) Let all the parties be heard;
- (iii) All rights and contentions of the parties are expressly kept open;
- (iv) Writ Petition is disposed of in the above terms. No costs.

(AARTI SATHE, J.)

(G. S. KULKARNI, J.)