

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.11065 OF 2025

Sandesh Maruti Dongare

...Petitioner

Vs

The City & Industrial Development Corporation
(Maharashtra) Ltd. & Ors.

...Respondents

Mr.R. D. Suryawanshi i/b. Rakesh Sharad Patil, for Petitioner.

Mr. Soham Bhalerao i/b. DSK Legal, for Respondent No.1.

Ms. M. P. Thakur. AGP for State / Respondent Nos.4 to 6.

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

DATE: 12th August 2025.

P.C.

1. Not on board taken on board on an urgent application as moved on behalf of the petitioner, in view of the notice dated 6 August 2025 / 11 August 2025 issued to the petitioner to by respondent No.1, to vacate and suffer demolition of the petitioner's structure as described in the said notice, situated at Survey No.499 (part), 500 (part), Sector 16, Plot No.149 Node-Panvel.

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

A) This Hon'ble High Court be pleased to issue a Writ of Mandamus or any other appropriate Writ or Direction and/or Order in the nature of Writ directing Respondents to produce all papers and documents in respect of impugned Notice dated 29/05/2025 issued by Respondent No.3 and after perusal and examination thereof quash and set aside impugned Notice dated 29.05.2025;

B) This Hon'ble High Court be pleased to issue a writ of Mandamus or any other appropriate Writ or Direction and/or Order in that nature of Writ directing Respondents to provide the benefits under the Government Resolutions dated

25/02/2022, 7/12/2022 & 23/09/2024 to the Petitioner house and further declare that the petitioner is entitled to all such benefits and protections under the said resolutions with further directions to the Respondents not to take action of demolition against the Petitioner's house;"

3. It appears from the record that the petitioner was issued a notice dated 29 May 2025 titled as 'Inquiry/hearing Notice" in regard to the structure of the petitioner which, according to the petitioner, was issued by respondent No.1- CIDCO, which according to the CIDCO are illegal and unauthorized being encroachment on the CIDCO land, which was acquired by the State Government, for the purpose of development of new town Navi Mumbai and handed over to CIDCO. The petitioner was called upon to submit all documentary evidence to show that the structure is authorized and the petitioner is entitled to put up the said structure. The petitioner replied to the said notice by a reply dated 19 June 2025 (page 67 to the petition) raising several contentions that the petitioner ought not to suffer any demolition and justifying the said structure. It appears that the final order has not been passed on the said reply which has been submitted by the petitioner, although a hearing had taken place on 19 June 2025. Without passing any such order, notice dated 6 August 2025/ 11 August 2025 is issued to the petitioner calling upon the petitioner to vacate within 24 hours and it is in these circumstances, the petition is filed.

4. We find from the communication dated 6 August 2025/ 11 August 2025 as tendered by learned Counsel for the petitioner that the petitioner's case insofar as the said structure is concerned, has not been addressed.

5. Under Section 53(1) of the Maharashtra Regional and Town Planning

Act, 1966, the case of the petitioner has to be rejected by the authority and the finding is required to be recorded that the structure in question is unauthorized and illegal and on the land belonging to CIDCO.

6. In the aforesaid circumstances, we are of the opinion that the authority is required to pass a reasoned order on the pleas as urged on behalf of the petitioner and only thereafter, take recourse to the procedure as known to law, to evict the petitioner and demolish the structure, if it is decided that the structure in question on such land is unauthorized and illegal.

7. In the light of the above discussion, we incline to dispose of this petition in terms of the following order:

ORDER

(i) Let a reasoned order on the petitioner's reply to the Notice dated 29 May 2025 be passed in accordance with law, within a period of 10 days from today.

(ii) Subject to such orders, further appropriate action in accordance with law be taken.

(iii) All contentions of the parties in that regard are expressly kept open.

(iv) Till such order is passed, no coercive action against the petitioner's structure under the communication dated 6 August 2025/ 11 August 2025 be taken by the Controller of Unauthorized Construction (South-1), CIDCO

8. Disposed of in the aforesaid terms. No costs.

(ARIF S. DOCTOR, J.)

(G. S. KULKARNI, J.)