

Prajakta Vartak

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 11810 OF 2025

Sudarshan Raghav Shetty

...Petitioner

Vs

Dipesh Brijkishor Nirupam & Ors.

...Respondents

Mr. Mukesh Ahooja for Petitioner.

Mr. Kedar Dighe, Addl. G. P. with Ms. M. S. Bane, AGP for State/Respondent
Nos.5 & 6.

Mr. R. Y. Sirsikar for MCGM.

CORAM: G. S. KULKARNI &
AARTI SATHE, JJ.
DATE: 17 SEPTEMBER 2025.

P.C.

1. This petition under Article 226 of the Constitution of India is filed
praying for the following various reliefs:-

“(a) That this Hon'ble court be pleased to call for the records of the
Writ Petition no.400 of 2020 and tag them with this Petition and the
decided along with this Writ Petition together by same may be issuing
appropriate writ, order or direction under Articles 226/227 of the
Constitution of India and pass order and direction in accordance with
law;

(b) That this Hon'ble Court be pleased to issue appropriate writ,
order and direction against Respondent nos.1 and 2 for demolition of
this Petitioner's structure, and livelihood, tarnishing my image, and also
to taking away my ascertain date of demolition for compensation, that
may be granted in terms of monetary loss, that too double the amount as
given to other 63 shopkeepers.

(c) That the said aforesaid Writ Petition no.400 of 2020 is liable to
be dismissed and rejected, hence the same be dismissed and rejected with
costs in view of para no.3 above on eligibility criteria and inordinate
delay, quietly Respondent no.4 waiting till 2016 of Bombay City Civil
Court Order in S.C. Suit no.1420 of 2009 and then applies for dispute
of eligibility criteria of Annexure II in appeal.

(d) That this Hon'ble Court be pleased to issue writ, appropriate
writ, order and direction against Respondent no.4 for my livelihood, for
tarnishing my image, by demolition of this Petitioner's Shop no.13 on
his behest by Respondent nos.1 and 2 in terms of monetary loss he be
asked to compensate this Petitioner that double the amount Respondent
no.4 received from Respondent nos.1 and 2 as he has received a hefty
price of this Petitioner's tenancy premises from Respondent nos.1 and 2.

(e) That this Hon'ble Court be pleased to issue writ, appropriate writ, order and direction in appointing State CID, intelligence unit of Maharashtra and calling upon them to take over all the complaints annexed thereto with documents form Respondent no.5 and to register FIR and investigate the matter in accordance with law and also to investigate two affidavits filed by Ajay Maroo Advocate & Notary in S.C. Suit no.1420 of 2009 in its above Chamber Summons on two occasions i.e. Review Petition no.2 of 2011 in Chamber Summons 212 of 2010 in above suit.

(f) That this Hon'ble Court be pleased to issue writ, appropriate writ, order and direction calling upon Respondent no.5 to hand over all the complaints to State CID Unit of Maharashtra that his Petitioner The had hand written to Respondent no.5. Respondent no.5 also be taken to task for not registering FIR on the Petitioner's complaint which are serious cognisable offences, lest not they be also directed and ordered to hand over all documents attached/annexed to those complaints to State CID Unit of Maharashtra.

(g) That this Hon'ble Court be pleased to issue writ, appropriate writ, order and direction to Respondent no.3 in as much as to the Municipal Commissioner of Greater Mumbai declaring that this Petitioner's tenancy premises of Shop no.13, Shashtri Nagar, Bandra (E), Mumbai 400051 given by them since 1981-82 still subsists declaring the same as legal, valid and lawful tenant the Petitioner of tenancy premises Shop no.13 of Municipal Corporation. They also be directed to provide for monetary compensation in terms of loss of livelihood and his image.

(h) That this Hon'ble Court by its writ and appropriate writ, its direction and order declared that Annexure II the eligibility of the Petitioner at serial no.13 for Shop no.13, at Shashtri Nagar, Bandra (East), Mumbai 400051, is valid, legal and binding in law and declare that Respondent no.4 has no legal status in aforesaid tenancy premises.

(i) That this Hon'ble Court by its writ and appropriate writ, its direction and order call upon the Respondent no.4 to produce all original documents:

- i) Partnership Deed.
- ii) Retirement Deed.
- iii) Affidavit cum Indemnity.
- iv) Power of Attorney.

which are alleged and purported to be signed by this Petitioner. On production may this Hon'ble Court seize and impound them with this Hon'ble Court and handover these documents referring the matter to State CID Intelligence Unit Maharashtra as per prayer (f) above, to ascertain the truth through handwriting expert and its opinion through forensic lab and if found guilty to register FIR against the Respondent no.4.”

2. It would be difficult for this Court to delve on such issues as the grievance of the petitioner is in regard to illegal demolition of the shop along with the other shops and for compensation etc. Be that as it may, Mr. Ahooja, learned counsel for the petitioner has fairly stated that a representation dated 02 May 2025 is

made by the petitioner with the Assistant Commissioner (Market) setting out the petitioner's contentions and seeking appropriate indulgence and/or a relief to be granted to the petitioner recognizing that he was a old municipal tenant. The said representation has been duly received by the Assistant Commissioner (Market).

3. Considering the facts and circumstances of the case, keeping open all contentions of the petitioner, we direct the Assistant Commissioner, Market (Ward) to decide the petitioner's representation dated 02 May 2025 along with any other representations made by the petitioner. The petitioner is also permitted to file additional written submissions along with the documents setting out his bonafides and the reliefs he intends to obtain from the Municipal Corporation within two weeks from today.

4. Let a personal hearing be granted to the petitioner by the Assistant Commissioner, Market (Ward) who shall proceed to pass an order on such representation as expeditiously as possible and in any event within a period of six weeks. The petitioner is directed to appear at the first instance before the Assistant Commissioner on 23 September 2025 at 03.00 p.m., so that a further appropriate date to hear the petitioner can be fixed.

5. Needless to observe that all the materials which would be placed by the petitioner before the Assistant Commissioner shall be taken into consideration and a reasoned order shall be passed on the petitioner's grievances. All remedies of the petitioner are expressly kept open.

6. The writ petition is disposed of keeping open all contentions of the parties. No costs.

(AARTI SATHE, J.)

(G. S. KULKARNI, J.)