

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

WRIT PETITION NO. 12152 OF 2025

1. M/s. N.R. Infrastructure
A Partnership Firm duly constituted under
the Indian Partnership Act, 1932
through its Partner,
Mr. Mukesh Vasantlal Bhanushali
2. Mr. Mukesh Vasantlal Bhanushali
Age – 34, Occ.- Business
Both 1 & 2 having address at A/105,
Utsav Plaza Building No. 7,
Madhuban Township,
Near Evershine Main Gate,
Vasai (East), Palghar 401 208 ... Petitioners

Versus

1. Vasai Virar City Municipal Corporation,
Through Commissioner,
Having its address at – Virar (East),
Tal. Vasai, Dist. Palghar - 401 305
2. The State of Maharashtra,
Through Ministry of Urban Development,
Mantralaya, Mumbai ... Respondents

...
Mr. A.R. Gole with Ms. Vishwoli V.B. for the Petitioners.
Mr. Vidhyadhar Gangurde for Respondent No.1.
Mrs. Savina R. Crasto, AGP for the Respondent -State.

...

**CORAM : RAVINDRA V. GHUGE &
ASHWIN D. BHOBE, JJ.**

DATE : OCTOBER 14, 2025

ORAL JUDGMENT (*Per : Ravindra V. Ghuge, J.*)

1. Rule. Rule made returnable forthwith and heard finally with
the consent of the parties.

2. The Petitioners are compelled to approach this Court, considering that the Municipal Corporation has violated Section 51(1) of the Maharashtra Regional and Town Planning Act, 1966 (“the Act of 1966”). Section 51 of the Act of 1966, reads as under:

“51. Power of revocation and modification of permission to development.— (1) If it appears to a Planning Authority that it is expedient, having regard to the Development Plan prepared or under preparation that any permission to develop land granted [or deemed to be granted] under this Act or any other law, should be revoked or modified, the Planning Authority may, after giving the person concerned an opportunity of being heard against such revocation or modification, by order, revoke or modify the permission to such extent as appears to it to be necessary:

Provided that—

(a) where the development relates to the carrying out of any building or other operation, no such order shall affect such of the operations as have been previously carried out; or shall be passed after these operations have substantially progressed or have been completed .

(b) where the development relates to a change of use of land, no such order shall be passed at any time after the change has taken place.

(2) Where permission is revoked or modified by an order made under sub-section (1) and any owner claims within the time and in the manner

prescribed, compensation for the expenditure incurred in carrying out the development in accordance with such permission which has been rendered abortive by the revocation or modification, the Planning Authority shall, after giving the owner reasonable opportunity of being heard by the Town Planning Officer, and after considering his report, assess and offer, subject to the provisions of section 19, such compensation to the owner as it thinks fit.

(3) If the owner does not accept the compensation and gives notice, within such time as may be prescribed, of his refusal to accept, the Planning Authority shall refer the matter for the adjudication of the court; and the decision of the court shall be final and be binding on the owner and Planning Authority.”

3. It is undisputed that the impugned notice/letter dated 3rd September 2025, revoking development permission, was issued after the entire building had been constructed, and that too, only on the basis of a complaint filed by one Mr. Chandu Vijay Patil of Rajkiya Astitva, Samajik Vichar, Prahar Janshakti Paksh. Admittedly, the Petitioners were neither furnished a copy of the complaint nor granted an opportunity of being heard. As such, the impugned notice/letter cannot be sustained.

4. In view of the above, **this Writ Petition is partly allowed.**

5. The impugned notice/letter dated 3rd September, 2025, which falls foul of Section 51(1) of the Act of 1966, is quashed and set aside. If

the Municipal Corporation desires to initiate any action on the basis of a complaint filed by a stranger, the Municipal Corporation shall strictly follow the Rules and the Government Resolution, as may be applicable. All contentions of the parties are kept open.

6. Rule is made partly absolute in the above terms.

7. Since it is apparent that an illegality has been committed by the Municipal Corporation, and its primary duty to ensure that the principles of natural justice are followed, has not been discharged, we direct, by way of token cost, that the Municipal Corporation shall deposit an amount of Rs. 25,000/- with the Registry of this Court, on or before 10th November, 2025. At this juncture, the learned Advocate for the Petitioners submits that the said amount be donated to the Research Center of the Bar Council of Maharashtra and Goa, details of which are as under :-

Account Name	: BCMG'S ADVOCATE ACADEMY & RESEARCH CENTER
Account Number	: 000120110001327
Bank Name	: Bank of India
Branch Name	: Mumbai Main
IFS Code	: BKID0000001
Type of Account	: Current A/c

8. We, therefore, direct the Registry to transfer the said amount to the aforesaid entity by way of donation.

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)