

LAXMI
SUBHASH
SONTAKKE

Digitally signed by
LAXMI SUBHASH
SONTAKKE
Date: 2025.10.18
17:35:37 +0530

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 13777 OF 2025

Sanjeev Mittal

...Petitioner

Versus

State of Maharashtra & Ors.

...Respondents

Mr. Surel Shah, Senior Advocate a/w Rishikesh Soni & Raveena Yadav i/b.
Raveena Yadav for Petitioner.

Ms. M. S. Bane, AGP for Respondent No.1.

Mr. Mandar Limaye for Respondent No.2 & 3.

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

DATE: 17th OCTOBER 2025

P.C.

1. We have heard Mr. Shah, the learned Senior Counsel for the Petitioner and Mr. Limaye, the learned Counsel for Respondent Nos. 2 & 3-Corporation.
2. This Petition filed under Article 226 of the Constitution of India prays for the limited reliefs :-

“(a) This Hon’ble court be pleased to issue a writ of certiorari or a writ in the nature of certiorari or any other appropriate writ, order or direction, to call for the record and proceedings of the impugned Notice dated 15th October 2025 and after going through the legality and propriety of the same, this Hon’ble Court be pleased to quash and set aside the impugned Notice dated 15th October 2025 (Exhibit “E” to the Petition) issued by Respondent Nos. 2 and 3;

(b) This Hon’ble Court be pleased to issue a writ of mandamus or a writ in the nature of mandamus or any other appropriate writ, order under Articles 226 and 227 of the Constitution of India to direct the Respondent Nos. 2 and 3 to consider the Representation dated 4th

September 2025 (Exhibit “D” to the Petition) addressed by the Petitioner’s Advocate to Respondent Nos. 2 and 3;”

3. Mr. Shah has submitted that the property in question, in respect of which objections have been raised concerning the installation of a lift and issues impliedly relating to power generation, was purchased by the Petitioner through a Debt Recovery Tribunal auction in the year 2001. It is further submitted that the premises already had an existing lift at the time of such purchase, which is now the subject of the present objections.

4. By the impugned communication dated 15th October 2015, the Petitioner has been directed to remove the said installation. The Petitioner had earlier submitted a representation/reply dated 4th September 2025 in response to the notice dated 1st August 2025 issued by the Municipal Corporation, setting out the correct factual position. Despite this, the impugned order came to be passed, which is the subject matter of grievance in the present Petition.

5. In the aforesaid circumstances, we are of the opinion that, in the interest of justice, the competent officer of the Municipal Corporation should grant the Petitioner an opportunity of hearing and consider the contents of the reply dated 4th September 2025. Upon such hearing, the officer shall pass an appropriate and reasoned order on the said representation.

6. Let this exercise be undertaken and completed within a period of six weeks from today. In the meantime, and for a further period of two weeks thereafter, in the event any adverse order is passed against the Petitioner, no coercive action shall be taken against the Petitioner.

7. All contentions of the parties are expressly kept open.

8. The Petition stands disposed of in the aforesaid terms. No costs.

(AARTI SATHE, J.)

(G. S. KULKARNI, J.)