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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 4112 OF 2025

Yusuf Ali Mohammed Malkani

...Petitioner

Versus

The State of Maharashtra & Ors.

...Respondents

Mr. Sagar Batavia for the Petitioner.

Ms. Pushpa Yadav i/b. Komal Punjabi for BMC.

Mr. Vishwanath Patil a/w Harshwardhan Karande for SRA.

Ms. Anupamaa Pawar, AGP for Respondent No.1.

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

DATE: 19th November 2025

P.C.

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

“[A] That a Writ of Certiorari, Writ of Mandamus or any other appropriate writ, order or direction be issued calling upon records and examining the legality and proprieties of the re-alignment demarcation layout plan dated 1.11.2019 and 23.7.2020 by the MCGM and the said be directed to be modified as per law as without taking approval or confirmation of City Survey office / DILR office or by SRA and re-alignment be allowed as per approved Layout of SRA;

[B] Pending the hearing of the Writ Petition the stay be granted in respect further process as per re-alignment demarcation layout plan dated 1.11.2019 and 23.7.2020 by the MCGM;

[C] Interim / Ad -interim order in respect of prayer (a) and (b);

[D] Cost of the Petition be provided for;

[F] Any other just and further relief as in the nature and circumstances of the present case may require, be granted in favour of the Petitioner.”

2. The only grievance of the Petitioner in the present Petition is that the demarcation layout plan dated 1st November 2019 and 23rd July 2020 passed by Respondent No. 2 i.e. Municipal Corporation of Greater Mumbai regarding realignment and demarcation of the layout plan for D. P. Road has been passed without taking approval or confirmation of city survey officer/DILR office or by SRA. The Petitioner had made a representation dated 11th June 2024 before the Municipal Commissioner of MCGM pointing out that the demarcation plan prepared by MCGM dated 23rd July 2020 is incorrect and not as per approved SRA layout under No. SRA/ENG/2150/PN/PL/AP. By way of the aforesaid representation, the Petitioner also requested that the demarcation plan be realigned as per the aforesaid approved SRA layout. In response to the aforesaid representation dated 11th June 2024 filed by the Petitioner to the Municipal Commissioner, MCGM, a letter dated 5th August 2024 was issued by Respondent No.2 to the SRA requesting it to provide approved layout plans, if any, to consider the realignment of the demarcation plan by which the Petitioner is aggrieved. Further in response to the letter dated 5th August 2024 issued by Respondent No.2 to SRA, the SRA by letter dated 24th September 2024 has furnished the copies of the latest layout plan for realignment of the DP Road.

3. In view of the correspondence, we are of the view that since no decision has been taken on the representation dated 11th June 2024 filed by the Petitioner before the Municipal Commissioner, MCGM, a hearing in respect thereof needs to be given to the Petitioner and an appropriate decision in respect of the Petitioner's grievance be taken as expeditiously as possible.

4. In view of the limited relief prayed by the Petitioner in the present Petition and although there being no written opposition/reply of the Respondents and considering the nature of the orders which we propose to pass, no prejudice would be caused to the Respondents. The following order would serve the ends of justice:-

ORDER

- i. The Competent Authority of Respondent No.2 to consider and decide the Petitioner's representation dated 11th June 2024 after granting an opportunity of a hearing to the Petitioner and in accordance with law, as expeditiously as possible, preferably within a period of four weeks from the date this order is made available to the said Respondent by the Petitioner.
- ii. Let all parties be heard including representative from the SRA.
- iii. Notices of hearing be sent to the Petitioner and the Officers of the SRA indicating the date and time of hearing.
- iv. All rights and contentions of the parties are expressly kept open.
- v. The Petition is disposed of in the aforesaid terms. No costs.

(AARTI SATHE, J.)

(G. S. KULKARNI, J.)