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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION NO. 4347 OF 2024

Stalin Dayandan

.. Petitioner

Versus

The District Collector, Mumbai
City & Ors.

.. Respondents

Mr. Mohammad M. Abdi for petitioner.

Mr. Milind More, Addl. Govt. Pleader for respondent nos.1 and
4 – State.

Ms. Jaya Bagwe for respondent no.2 – MCZMA.

Ms. Oorja Dhond i/by Ms. Komal Punjabi for respondent no.3-
MCGM.Ms. Savita Ganoo i/by Ms. Carina Xavier for respondent no.5-
Union of India.

**CORAM: ALOK ARADHE, CJ. &
SANDEEP V. MARNE, J.**

DATE: 12th JUNE, 2025

ORAL ORDER [Per Chief Justice]:

1. The petitioner claims to be the resident of Bhandup, Mumbai. In this writ petition, the petitioner, *inter alia*, seeks a direction to respondent nos. 1 to 4 to take immediate action towards the complaints dated 7th June, 2021, 9th August, 2021 and 5th July, 2024 submitted by the petitioner with regard to illegal structures constructed at CTS No. 1489, Mahim Beach, Mumbai (hereinafter referred to as “the subject land”).

2. Facts giving rise to filing of the present writ petition, briefly stated, are that according to the petitioner illegal

construction has been made by some persons, who have not been impleaded in this writ petition, on CTS No. 1489, Mahim Beach, Mumbai. The petitioner thereupon made complaints dated 7th June, 2021, 9th August, 2021 and 5th July, 2024. However, the said complaints/representations submitted by the petitioner have failed to evoke any response. Hence, this writ petition.

3. Learned counsel for the petitioner submits that the Collector, Mumbai is under an obligation to take an action for removal of unauthorized constructions/encroachments on the subject land. On the other hand, learned Additional Government Pleader submits that the action on the complaints submitted by the petitioner has already been initiated and notices have been issued to the persons who allegedly have made unauthorized constructions/encroachment on the subject land and the proceedings are fixed on 19th June, 2025 for hearing.

4. In view of the aforesaid submissions and in the facts and circumstances of the case, we deem it appropriate to issue following directions: -

(a) The Collector, Mumbai, shall afford an opportunity of hearing to all the parties who may be affected by the action with regard to removal of illegal construction/encroachment on the subject land.

(b) In case the Collector comes to the conclusion that any illegal construction/encroachment has been made on the subject land, action shall be taken for removal of the same in accordance with law.

(c) The aforesaid exercise shall be complied with by the Collector, Mumbai, within a period of four weeks from today.

(d) Needless to state that any person aggrieved by the order directing removal of illegal construction/encroachment shall be at liberty to take recourse to such remedy as may be available to him/it under law.

5. It is clarified that we have not expressed any opinion on the merits of the matter.

6. Accordingly, the writ petition is disposed of.

(SANDEEP V. MARNE, J.)

(CHIEF JUSTICE)

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