



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

WRIT PETITION NO. 1803 OF 2025

Sujata S. Patne & Ors.

... Petitioners

Vs.

The State of Maharashtra, through the
Housing Department & Ors.

... Respondents

Mr. Sandeep Singh for the petitioners.

Smt. Anupama Pawar, AGP for respondent no. 1.

Smt. K.H. Mastakar i/b. Smt. Kamal Punjabi for respondent nos. 2 to 6-BMC.

Dr. Milind Sathe, Senior Advocate a/w. Mr. Abhijit Patil for respondent no. 8.

CORAM: G. S. KULKARNI &
ARIF S. DOCTOR, JJ.

DATED: 17 JUNE, 2025

P.C.

1. The case of the petitioners is that the development being undertaken by respondent no. 8 has infact included some portion of the land belonging to the petitioners' Society Landmark Cooperative Housing Society Ltd. The petitioners contend that the violation would also affect the FSI which would be generated insofar as the petitioners land is concerned, which is now to be illegally utilized by respondent no. 8. The adjoining land is being developed by respondent no. 8 on behalf of the Municipal Corporation, as it had a building belonging to Municipal Corporation having Municipal tenant as per the provisions of DCR 33(9). In regard to this grievance, the petitioners have already approached the Municipal Commissioner/different authorities of the Corporation by representations dated 2 April, 2025 and 14 April 2025, copies of the representations are annexed to the petition.

2. Considering the nature of the grievance, in our opinion, the contentions as urged by the petitioners would be disputed questions of fact, which would be required to be asserted in the appropriate proceedings. However, the petitioners have already made representations to the Municipal Corporation. The question is in regard to demarcation of two Municipal plots, as the petitioners plot of land belongs to the Municipal Corporation as also the plot under development by respondent no. 8 also belongs to Municipal Corporation. It is appropriate that the Additional Municipal Commissioner hears the respective parties and decides the petitioners representations in accordance with law after an opportunity of hearing is granted and a written decision in that regard is communicated to the parties. Let this exercise be undertaken as expeditiously as possible and in any event, within a period of four weeks from today. The parties shall initially appear before the Additional Municipal Commissioner on 24 June, 2025 at 3 p.m. All contentions of the parties in this regard are expressly kept open.

3. Needless to observe that in the event, if the decision of the Municipal Commissioner is adverse to the petitioners, the petitioners are free to take recourse to the appropriate civil remedy as available in law.

4. Disposed of in the above terms. No costs.

(ARIF S. DOCTOR, J.)

(G. S. KULKARNI , J.)