

PVR

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

WRIT PETITION NO. 2016 OF 2025

Sanjay Sarraf

...Petitioner

Vs.

The Municipal Corporation of Gr. Mumbai & Ors.

...Respondents

Mr. Sanjay Sarraf, Petitioner in person.

Ms. Meena Dhuri i/b. Ms. Komal Punjabi for Respondent Nos.1 to 3.

Mr. Milind More, Addl. G. P. for State.

Mr. P. G. Lad with Ms. Sayali Apte for Respondent/MHADA.

Mr. Shodab Khan for Respondent Society.

Mr. Mahesh Sakhare, Assistant Assessor & Collector, K/West Ward present.

Mr. Ajay Bhondve, Designated Officer, K/West Ward present.

CORAM: G. S. KULKARNI &
ARIF S. DOCTOR, JJ.
DATE: 27 JUNE 2025.

P.C.

1. We have heard the petitioner in person, Ms. Meena Dhuri, learned Counsel for respondent Nos. 1 to 3, Mr. Milind More, learned Additional Government Pleader for the State, Mr. P. G. Lad, learned Counsel for MHADA and Mr. Shobad Khan, learned Counsel for the Society.

2. This petition under Article 226 of the Constitution is filed praying for the following reliefs:-

(a) Issue a writ of mandamus or any other appropriate writ, order or direction direction Respondent No.1 to 3 to forthwith take action under Section 152A of the MMC Act, 1888 against unit holders who have carried out unauthorized constructions, encroachments, and amalgamations from 1999-2000 till date;

(b) Direct the Respondents to take immediate action in respect of Units Nos.5, 6, 7, 8, 9, 10, 11,12, 13, 15, 14, 17, 19, 20, 21, 22, 23, 24,

25, 27, 28, 29, 30, 31, 32, 34, 35, 43, 44, 45, 47, 48, 49, 50, 51, 52, 53, 55, 56, 57, 58, 60, 61, 63, 64, 66, 67, 69, 70, 72, 73, 74, 75, 76, 79, 80, 81, 83, 84, 88, 92, 93, 94, 95, 96, 97, 98, 99, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118 & 119, under Section 152A of the MMC Act, 1888, as per the MHADA communication dated 25/10/2021 and the Structural Audit Report.

(c) Appoint a Court Commissioner or Structural Auditor to inspect and report on the current status of all visible violations and structural threats in the premises.

(d) Direct initiation of prosecution against the Society for non-compliance for Notice U/s. 353B of MMC Act, 1888.

(e) Direct the Respondents to decide all pending applications filed by the Petitioner within a period of four weeks from the date of the order.

(f) Pass such other orders as may be just, necessary, and expedient in the interest of justice.”

3. We heard the parties on the earlier occasion. Today we are informed by learned Counsel for the Society that on 22 April 2025 the society has already entered into a development agreement with the developer so as to re-develop the premises. Mr. Lad, learned Counsel for MHADA would not dispute such position. He also stated that there were certain unauthorized extensions and alterations in respect of which notices were issued and appropriate action under law was taken and in some cases there was regularization. Mr. Lad, on instructions, informs that the NOC for redevelopment has already been issued by the MHADA as also premium of certain amounts is already received. We do not delve on such issue.

4. Be that as it may, we cannot adjudicate on such prayers and more particularly prayer clause (b) in the absence of the parties who are likely to be

affected qua the units the petitioner intends to take action.

5. The fact remains that if the petitioner has any entitlement qua his tenement and the entire building is going for redevelopment, not only the petitioner but also other unit-holders would be accommodated in the redeveloped premises. Needless to observe that the area of each unit-holder necessarily needs to be as per the sanctioned plans submitted to MHADA and as per the allotment of tenements by the MHADA.

6. In this view of the matter, keeping open all contentions of the parties on redevelopment, the society shall now proceed to take expeditious steps to undertake redevelopment and plans in that regard be submitted by the developer appointed by the society to the MHADA, within a period of six weeks from today.

7. The petition stands disposed of in the aforesaid terms. No costs.

(ARIF S. DOCTOR, J.)

(G. S. KULKARNI, J.)