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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 2190 OF 2025

I And A Realty Private Limited

...Petitioner

Versus

The Maharashtra Housing And Area
Development Authority & Ors.

...Respondents

Mr. Devendra S. Rajapurkar, for Petitioner.

Mr. P.G.Lad a/w. Ms. Sayali Apte, for Respondent No.1 - MHADA.

Mr. Vijendra S. Jaboa a/w. Mr. Shahnawaz Khan i/b. Shivkumar Mishra
for Respondent No.5.

Mr. Enamul Haq Khan a/w. Mr. M.M.Khot for Respondent No.9 to 12.

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

DATE: 16th September 2025

P.C.

1. This Petition filed under Article 226 of the Constitution of India, prays
for the only relief which reads thus :

(a) A writ of mandamus or any other appropriate writ order or direction in like nature under Article 226 of the Constitution of India, directing the Respondents to remove the said illegal and unauthorized constructions encroachments / additions and alteration made on the property bearing piece of land admeasuring 926.34 sq. mtrs also having tit-bit area admeasuring about 234 Sq.Mtrs comprising of buildings No. 47, 48 and 49 and City Survey Nos. 923(Part) and 924 (Part) of village Kurla, Vinoba Bhave Nagar, Kurla (W) Mumbai - 400070 in Registration of Kurla, Mumbai Suburban District of Mumbai City.

2. In responding to this Petition, Mr.Lad learned counsel for MHADA has placed on record the affidavit of Mr.Nilesh Suryawanshi, Executive Engineer, Kurla Division of Respondent No.1- MHADA. The relevant contents of the affidavit dated 6th September 2025, are required to be noted which read thus:

5. I say that based on the Inspection Report, Notice under Section 52, 53(1) of the M.R.T.P. Act dated 25th April, 2025 was issued to each occupants who have carried out unauthorised construction and after giving hearing Order was passed on 19th June, 2025. Hereto annexed and marked Exhibit - "B" is the copies of the Order dated 19th June, 2025.

6. I say that it has been found that 17 occupants have carried out unauthorised additions and alterations. The original area of their premises were 345 Sq.Ft. which was extended by 120 Sq.Ft. to 600 Sq. Ft. I say that the details of 17 occupants who carried out additions by encroaching on common passage is mentioned in the Tabulation.

7. I say that apart from above 17 occupants who have encroached on the common passage and added in common passage apart from the original premises allotted to them, six occupants who are on the ground floor had encroached and unauthorisedly constructed beyond building line and on the land leased to the society. The details of the same are mentioned in the Tabulation

8. I say that the present Petition is being filed for taking action against illegal additions / alterations, encroachment and unauthorised construction made in the leased plot. I say that action has already been initiated and the Police protection is sought for the implementation of the Order. Hereto annexed and marked Exhibit -«C" is the copy of the Letter dated 4th September, 2025 written to the Police for giving protection for removal of the unauthorised additions and alterations and encroachment on the Respondent No.1's property.

9. I say that in view of the above, the Respondent No. 1 has already initiated action against the unauthorised construction and illegal additions and alterations, hence, the Petition be dismissed.

3. Considering the clear averments in paragraph No.8, in our opinion, further adjudication of the Petition is not called for as in regard to the unauthorized construction action has been resorted as indicated in the said affidavit.

4. In disposing of this Petition, we have not examined the contentions of Respondent Nos. 5 to 12, in the event they intend to contend that the said premises are not unauthorized premises and that the premises occupied by them are legally constructed. Mr. Lad submits that in fact in so far as these Respondents are concerned as MHADA has already granted a hearing and has passed appropriate orders.

5. In the event the Petitioner has any grievance in regard to any structures which are partly on the Petitioner's land and partly on the public Road, as it is for the Petitioner to take up the matter with the Municipal Corporation and if it is already so taken up, the Municipal Corporation shall consider to the Petitioner's complaint and take appropriate decision in accordance with law within a period of 2 weeks from today.

6. Petition stands disposed of in the aforesaid terms. No costs.

(AARTI SATHE, J.)

(G. S. KULKARNI, J.)