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

WRIT PETITION NO. 3714 OF 2025

Vasant Maruti Palkar

...Petitioner

Versus

Municipal Corporation of Greater
Mumbai (MCGM)

...Respondent

Mr. Mukesh Pabari, Advocate for the Petitioner.

Ms. Rutuja Bodake i/by Ms. Komal Punjabi, Advocate for the
Respondent/State.

CORAM : RAVINDRA V. GHUGE

&

ASHWIN D. BHOBE, JJ.

DATE : 19th NOVEMBER, 2025

P.C. :-

1. The Petitioner is a private individual who claims that one Mr. Gajanan Mahadev Savtirkar has illegally constructed a building in the common passage on the ground floor at 19/21, Oval Wadi, Vitthal Wadi, Kalbadevi Mumbai. Mr. Gajanan Mahadev Savtirkar has not been arrayed as a Respondent. He claims that he is in the possession of the ground floor.

2. An order of demolition of Mr. Gajanan Mahadev Savtirkar's structure is sought in this Petition, behind his back. He

had approached the Civil Court praying for injunction as against the proposed demolition of his property. The suit has been dismissed in default on 7th December, 2021.

3. The Petitioner desires that the construction of Mr. Gajanan Mahadev Savtirkar be declared as an encroachment/illegal structure, the same may be demolished and the possession of the Petitioner may be restored. Issues as regards an illegal construction, the magnitude of the purported illegal construction, joint measurements of the properties for fixing of boundaries, demolition of the encroachment if proved, the restoration of the Petitioner's possession following the removal of the alleged illegal structure, would require oral and documentary evidence in the light of the disputed questions. The Petitioner can approach the Civil Court and prove his claims in the property. The learned Advocate for the Petitioner submits that the Petitioner is a tenant.

4. In view of the above, this **Writ Petition is dismissed.**

5. If the Petitioner desires to approach the Civil Court and pray for relief of identification of the illegal construction, measurement of the property, removal of the encroachment and

restoration of his possession, all contentions of the litigating parties/
stakeholders are kept open and the dismissal of this Petition would
not be an impediment.

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)