

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 4069 OF 2025

Atish Anand Vaity.

... Petitioner.

V/s.

Brihanmumbai Municipal Corporation & Ors.

... Respondents.

Mr. Harshad Sathe a/w. Mr. Siddhesh Bane, Mr. Shubham Gangan, Ms. Aishwarya Hinge, Mr. Saurabh Butala, Advocate for Petitioner.

Mr. S.B. Gore, AGP for Respondent/State.

Ms. Rutuja Bodake i/b. Komal Punjabi, Advocate for Respondent-BMC

CORAM : RAVINDRA V. GHUGE AND
ASHWIN D. BHOBE, JJ.

DATE : 18th NOVEMBER, 2025

P.C. :

1. On 13.6.2002, the Respondent No. 5 Directorate of Construction, Services and Estate Management, Anushakti Nagar, requested Respondent No. 1 Corporation to expedite action for laying a 50 ft. wide road around Mandala Village. On 3.2.2016, the Respondent No. 5 granted NOC to the Corporation for the development of 50 ft. wide road upon the land belonging to the Department of Atomic Energy, Anushakti Bhavan.

2. In 2010-11, various notices were issued to those who had indulged in illegal construction on the area earmarked for the 50 ft. Road which included nallas and gutters. Notice under section 351 was issued by the Corporation on 17.9.2010. In all 7 notices were issued in between 2010-2011. 192 trees were felled by the Corporation to facilitate the 50 ft. Road. However, the Corporation laid a road admeasuring only 30 ft.

3. The Petitioner's father lodged various complaints about the illegal structures erected on the both side of the 30 ft. the road, in between 2018-2021. On 22.12.2021, the Petitioner complained to Respondent Nos. 1 to 3 about the unauthorised constructions specifically pointing out the person who had resorted to such constructions. Thereafter, the Petitioner continued to pursue the Corporation to do the needful.

4. It is pointed out that on 21.3.2023, notices under Section 351 of the MMC Act, 1988 were issued. Several dates and events occurring thereafter and the persuasion of the Petitioner, are set out in the pleadings. The grievance of the Petitioner is that a 50 ft. wide road has not been constructed by the Corporation and instead, a road with reduced width of 30 ft. has been laid by the Corporation.

5. The learned Advocate for the Corporation submits on instructions that the Corporation is in the process of removing the encroachment and if the State grants police protection, the Corporation would remove the encroachments. In so far as the 50 ft. wide road is concerned, the Corporation will have to take a decision.

6. The learned AGP submits on instructions that if the Corporation seeks police protection for removal of encroachments, the Police Authorities would promptly grant such protection.

7. In view of the above, we record that the Corporation will follow the due procedure laid down in law while removing the encroachments. In so far as the land donated by the Department of Atomic Energy for laying a road with 50 ft. width is concerned, we expect the Corporation to act pragmatically and if it is undisputed that a road of 50 ft. width was to be laid on the land donated by the Department of Atomic Energy, the Corporation shall do the needful in accordance with law. We expect the above steps for removal of the encroachments and laying of the road as per the approved width, to be completed by the Corporation within a period of 180 days out of which

90 days would be utilised for removal of the encroachments and the remaining timeline would be utilised for laying a road strictly as per the understanding between the Department of Atomic Energy and the Corporation.

8. With the above observations, **this Petition is disposed off.**

9. List the disposed off Petition **for recording compliance** on **12th June, 2026.**

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)