IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 15092 OF 2024

Abrar Ahmed Abdul Hannan Khan & Ors. .....Petitioners

Versus

The Mumbai Metropolitan Region Development Authority & Ors. .....Respondents

.....

Mr. Suraj Gothwal a/w Mr. Shubham Ghorpade, for the Petitioners.

Mr. Akshay Shinde, for the Respondent No.1.

Smt. M.P.Thakur, A.G.P for the Respondent – State.

.....

CORAM : M. S. KARNIK &
SANDESH D. PATIL, JJ.

DATE : 5th OCTOBER, 2026

P.C.:-

1. The petitioners are seeking in this petition a direction against the respondent No.1 to take action against the illegal construction constructed on land bearing Gut No. 117/3 situated at village Pimplas, Taluka Kalyan, District Thane, in compliance of the notice dated 3rd September, 2021 issued under Section 53(1) of the Maharashtra Regional and Town Planning Act, 1966 ('MRTP Act' for short).

2. The learned Counsel appearing for the petitioners states that

RUPALI RAJESH WAKODIKAR
Digitally signed by RUPALI RAJESH WAKODIKAR
Date: 2026.10.09 11:48:05 +0530

the notice which is issued under Section 53(1) of the MRTP Act, has attained finality and has not been challenged by the addressee of the said notice before any Court or any other authority. It is the contention of the petitioners that since the respondent No.1 has issued the notice under Section 53(1) of the MRTP Act as far as on 3rd September, 2021, it was expected on the part of the respondent No.1 to take the said notice to its logical end.

3. It is informed to us by the learned Counsel appearing for the petitioners that the notice dated 3rd September 2021 is not stayed by any Court or is not rescinded by the respondent No.1 as per the best of his information.

4. In this premises, it is desirable that the said notice is taken to a logical conclusion.

5. We, therefore, dispose of this petition by passing the following order:

ORDER

(i) The respondent No.1 is directed to take action against the

offending structure as per the notice dated 3rd September, 2021 issued by them under Section 53(1) of the MRTP Act, unless there is an impediment in law to do so.

(ii) Since the notice is dated 3rd September, 2021, the respondent No.1 to give hearing to the respondent No.3 before passing any order or taking any decision.

(iii) In case there is no legal impediment to execute the notice dated 3rd September, 2021, the respondent No. 2 is directed to provide sufficient police protection to the respondent No.1 for the purpose of execution of the notice or such orders as would be passed hereinafter by the respondent No.1.

(iv) All such steps to be taken within a period of ten weeks from today.

(v) Petition disposed of in the aforesaid terms.

(SANDESH D. PATIL, J.) **(M. S. KARNIK, J.)**