

H.C. SHIV

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.1246 OF 2026

Abhishek Builders
and Developers

... Petitioner

V/s

City and Industrial Development
Corporation of Maharashtra Ltd & Ors.

... Respondents

Mr. R. D. Soni with Meena Rajesh Sharma with Pandurang
Deshmukh for the Petitioner.

Mr. Soham Bhalerao i/b DSK Legal for respondent nos.1
to 4.

Mr. O. A. Chandurkar, Addl.G.P. with Mr. S. P. Kamble,
AGP for the respondent no.5-State.

**CORAM: SHREE CHANDRASHEKHAR, C.J. &
SHYAM C.CHANDAK, J.**

DATE: 15th APRIL 2026

P.C.:

This writ petition is based on the Order dated 8th January, 2019 passed under section 47 of the Maharashtra Regional and Town Planning Act, 1966 ("MRTP Act"). In view of the order dated 8th January, 2019, the petitioner-developer is seeking certain directions for allotment of an odd-shaped plot abutting the plots allotted to it.

2. Mr. Soni, the learned counsel for the petitioner-developer submits that the show cause notice dated 5th March, 2025 proposing termination of the agreement to lease has been issued in ignorance of the order dated 8th January, 2019 passed under section 47 of the MRTP Act. The learned counsel for the petitioner-

developer refers to different paragraphs in the show cause notice dated 5th March, 2025 and submits that the petitioner-developer is entitled to avail the benefits under the Amnesty scheme and would not be liable to pay any additional lease premium in view of the decision rendered under section 47 of the MRTTP Act. The learned counsel for the petitioner-developer further submits that the petitioner-developer has already filed his reply on 7th April, 2025 with a reminder letter issued on 24th November, 2025 for a grant of occupancy certificate but no decision thereon has been taken by the respondent-Authority.

3. A writ petition laying challenge to a show cause notice is generally not entertained by the High Court, unless it is demonstrated that the show cause notice is patently illegal or without jurisdiction as observed by the Hon'ble Supreme Court in ***Union of India and Another v/s. Kunishetty Satyanarayana***¹. We further find that the petitioner has an efficacious remedy before the Appellate Authority, in case an adverse order is passed by the Manager (Town Services-III).

4. In view of the aforesaid facts and circumstances in the case, leaving it open to the petitioner-developer to challenge the final order if it goes against it, this writ petition is disposed of with a direction to the Manager (Town Services-III) to pass an order keeping in mind the decision rendered on 8th January, 2019 under section 47 of the MRTTP Act and the reply dated 7th April, 2025 submitted by the petitioner-developer. We further direct the respondent-Manager (Town Services-III) to permit the petitioner-developer to file an additional reply, if any, within a period of

¹ (2006) 12 SCC 28

four weeks and grant opportunity of personal hearing to the petitioner-developer through his authorised representative/agent.

5. Writ Petition No.1246 of 2026 stands disposed of.

[SHYAM C. CHANDAK, J.]

[CHIEF JUSTICE]