

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.3534 OF 2025**

M/s. Ritu Developers
Having address at:
23/24, Pushpa Niketan,
Near Maxus Mall,
Near Flyover Bridge,
Bhayandar (West), Thane-401101
(Through Its Authorised Partner,
Mr.Rajaram Bhati, Aged 53 years)Petitioner

Versus

1. Mira Bhayandar Municipal Corporation
(Through its Commissioner)
2. The Commissioner,
Mira Bhayandar Municipal Corporation
Respondent No.1&2 Having Address at:
Head Office, Bhayandar (West)
Thane-401101
3. The Assistant Director-Town Planning
3rd Floor, collector office, Kharkar Alley,
Thane West, Thane, Maharashtra 400601
4. Garden Court C.H.S Ltd.,
Having it's address at:
Swami Satyanand Marg, Temba Road,
Bhayandar (West), Thane-401101
(Through its Secretary,
Mr. Ramakant Singhal,
Aged about 65 years)Respondents

Mr. M.P. Rao, Senior Advocate a/w. Ms. Sheetal Mhatre and
Ms. Manasi Sawant for the Petitioner.
Mr. N.R. Bubna for Respondent Nos.1 to 3.
Mr. Atul Damle, Senior Advocate a/w. Mr. Suraj N. Naik and

Ms. Ketkee Kamble i/b. Mr. R.D. Suryawanshi for Respondent No.4.

CORAM : RAVINDRA V. GHUGE
&
ABHAY J. MANTRI, JJ.

DATE : 17th FEBRUARY, 2026

ORAL JUDGMENT (PER : RAVINDRA V. GHUGE, J.)

1. **Rule.** Rule made returnable forthwith and heard finally by the consent of the parties.

2. The Petitioner, who is a Developer, has put forth prayer clauses [A] to [C], below paragraph no.26, as under :

[A] That, this Hon'ble Court be pleased to issue the Writ of certiorari and Writ in the nature of certiorari and any other appropriate writ order or direction ordering and after calling for the records of the same Impugned order dated 19.12.2024 and after going through the legality and validity of the same be pleased to quash and set aside the Impugned Order dated 19.12.2024 been Exhibit A hereto.

[B] That, this Hon'ble court be please to issue a Mandamus and Writ in the nature of Mandamus and any other appropriate Writ, Order, and Direction ordering and directing by a mandatory order and injunction restraining the Respondent No.4 by itself, its servant and agents, its office bearers from in any manner stopping or restraining the construction or work undertaken

by the Petitioners in Building “D” upon the property.

[C] That, this Hon'ble Court be pleased to issue a Writ of Mandamus, Writ in the nature of Mandamus and any other appropriate Writ Order or Direction ordering and directing the Respondent No.4 its Office bearers or its servants and agents as also the Respondent No 1 from in any manner stopping the vehicular movement of the trucks of the Petitioners carrying construction material, labors, raw materials etc; in the construction of Building “D”.

3. Having considered the submissions of the learned Senior Advocate for the Petitioner, the learned Advocate for Respondent Nos.1 to 3 and the learned Senior Advocate on behalf of Respondent No.4 Society, we find that the grievance of the Petitioner is that the then Commissioner conducted a hearing on 30th April, 2024 when the Petitioner tendered written submissions with regard to the issue of cancellation of the revised Commencement Certificate dated 8th April, 2022. The Commissioner closed the matter for writing an order. On 29th July, 2024, the Corporation demanded Metro development charges and the last installment of the premium from the Petitioner. The impugned order was passed on 19th December, 2024. As such, after a hearing took place in April, 2024, the impugned order is passed on

19th December, 2024.

4. In view of the above, **this Petition is disposed off** with the direction that the impugned order would be kept in abeyance since all the parties are agreeable to address the Commissioner afresh.

5. By the consent of the parties, we direct as follows :

(a) All these parties shall appear before the Municipal Commissioner on 5th March, 2026 at 11.30 a.m.

(b) On request, the Architects of the Petitioner and Respondent No.4 would also be granted liberty to attend the hearing and participate therein.

(c) All would be at liberty to address the Authority one by one and the parties shall not address the Commissioner at the same time. The decorum of the office shall be maintained.

(d) The written notes of submissions can also be filed by the stakeholders which includes Respondent No.4 Society through its authorised representative.

(e) The parties shall abide by the hearing dates as may be posted by the Commissioner, if the hearing does not conclude on 5th March, 2026.

(f) After the hearing is concluded, we would appreciate if the Commissioner would pass a reasoned order within 30 days from the date of conclusion of the hearing.

(g) Once the order is passed, the same would be communicated to the stakeholders on their email addresses within 24 hours. Each of the stakeholders would tender their correct email address to the office of the Commissioner by mentioning it in their written notes of submissions.

(h) Any party aggrieved by the order, would be at liberty to follow the statutory regime and avail of a statutory remedy as may be permissible in law.

6. **Rule is discharged.**

(ABHAY J. MANTRI, J.)

(RAVINDRA V. GHUGE, J.)