

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

WRIT PETITION NO.5269 OF 2025

Rajesh K. Raut and Ors.Petitioners

Versus

Vasai Virar City Municipal
Corporation and Ors.Respondents

Mr. P. Dhakephalkar, Senior Advocate a/w. Mr. Gaurav Lele i/b.
Mr. Chinmaya Acharya for the Petitioners.
Ms. Swati Sagvekar for Respondent No.1.
Mrs. Anamika Malhotra for Respondent No.2.
Mr. Atharva Dandekar for Respondent No.3.
Mr. Rahul Chaudhary, Divisional Engineer (Estate/North), Mumbai
Central, Western Railway present.

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

DATE : 7th JANUARY, 2026

P.C. :-

1. This matter was heard for quite some time yesterday.
2. Considering that no notice of hearing was issued by the concerned Corporation before issuing the impugned stop-work notice, the learned Advocate for Respondent No.2 submits, on instructions from Mr. Rahul Chaudhary, Divisional Engineer, that the impugned notice would be withdrawn and a fresh notice would be issued to the Petitioners calling upon them to show cause on the contents of the notice. Reasonable time would be granted to the

Petitioners to tender their written submissions in response to the said notice. The learned Advocate for Respondent No.2 submits, on instructions, that at least six weeks' time may be granted to enable the concerned Respondent to pass a reasoned order.

3. The Petitioners are agreeable.

4. In view of the above, **this Petition is disposed off** by recording the above statements.

5. Needless to state, the impugned order issued by the Western Railway and the consequential impugned orders passed by the Municipal Corporation would stand withdrawn, and a fresh order would be passed by the Western Railway in light of the above statements.

6. All contentions raised by the Petitioners, including the contention that the 'Government of Maharashtra, Urban Development Department Development Control Regulations for Greater Bombay, 1991', would not apply to the case of the Petitioners, are kept open. After receiving the written explanation of the Petitioners, a reasoned order dealing with each of their

contentions would be passed.

7. Needless to state, if the Petitioners desire to proceed with the construction, the same would be at their own risk and would be subject to the above stated exercise of issuance of notice, hearing thereon, and a final order being passed.

(ABHAY J. MANTRI, J.)

(RAVINDRA V. GHUGE, J.)