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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.11329 OF 2025

JITENDRA
SHANKAR
NIJASURE

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Mr. Mayuresh Madhukar Pawar & Anr.

...Petitioners

Versus

Navi Mumbai Municipal Corporation & Ors.

...Respondents

Dr. Uday Warunjikar with Sumit Kate and Aditya Kharkar for the
Petitioners.

Mr. Tejesh Dande with Mr. Bharat Gadhvi and Parth Talekar i/b.
Tejesh Dande for Respondent Nos.1 and 2 (NMMC).

Swarupa Parlikar, Asstt. Municipal Corporation, NMMC.

CORAM : R.I. CHAGLA AND
ADVAIT M. SETHNA, JJ.

DATE : 13TH JANUARY, 2026

ORDER :

1. By this Writ Petition, the Petitioners are impugning
termination Order dated 9th April, 2025 issued by Respondent No.1
and seeking quashing and setting aside of the same.

2. The Petitioners were appointed by Orders dated 31st
January, 2013 and 6th February, 2013 issued by the Respondent –

Navi Mumbai Municipal Corporation (“NMMC”) as Junior Engineer (Contractual) with Respondent – NMMC.

3. Prior to their appointment, the Respondent – NMMC had in pursuance of the complaint received by Mr. Vaibhav Tupe conducted a survey of the Suit premises i.e. Flat No.901, C-Wing, 9th floor, Plot No.2, Sector 30 and 31, CBD Belapur, Navi Mumbai and based on the survey report issued a notice under Section 53 of the MRTP Act to one Mr. Sharad G. Pakdhane on 14th October, 2010. It is pertinent to note that said Mr. Pakdhane had obtained a temporary injunction which had been passed by the 14th Jt. Civil Judge, J.D., CBD Belapur, Navi Mumbai on 9th December, 2022, whereby the parties to the Suit were directed to maintain status quo with respect to the Suit premises in pursuance of notice dated 14th October, 2020 and 24th August, 2022 issued by the Respondent – NMMC.

4. In Writ Petition No.2074 of 2023 filed before this Court by the said Vaibhav Tupe, this Court by an Order dated 28th August, 2023 directed the officers of the Respondent - NMMC to ensure compliance with the sanctioned plan for the use of all internal facilities in the building in question at Belapur.

5. The Petitioner No.1 had been appointed and transferred as Junior Engineer for Encroachment Department at the said Belapur Ward on 8th December, 2023.

6. In the Writ Petition No.2074 of 2023, this Court vide Order dated 5th December, 2024 directed the Respondent No.3 to file an Affidavit about the reasons of inaction till date and who are the responsible officers for not taking action against the illegal encroachment by the said Mr. Pakdhane.

7. Thereafter show cause notices were issued to both the Petitioners on 17th December, 2024. There were detailed responses addressed by the Petitioners to the show cause notices on 17th December, 2024 and 20th December, 2024 respectively.

8. This Court had recorded compliance vide Order dated 9th January, 2025 pursuant to compliance Affidavits filed by the parties and disposed of the Writ Petition No.2074 of 2023 stating that nothing survives in the matter.

9. The Petitioners appear to be aggrieved by the

termination Order dated 9th April, 2025 issued nearly three months after the disposal of the Writ Petition on 9th April, 2025 and without any fresh complaint being filed.

10. The Petitioners have made a representation on 17th April, 2025 to the Respondent – NMMC wherein they pleaded that the Petitioners were not posted in the said ward at relevant time and no opportunity of hearing was given to the Petitioners. Accordingly, the present Writ Petition has been filed.

11. Dr. Uday Warunjikar, the learned Counsel appearing for the Petitioners has referred to the show cause notice issued on 17th December, 2024 and the responses of the Petitioners to the said show cause notice on 17th December, 2024 and 20th December, 2024. He has submitted that in the impugned termination Order dated 9th April, 2025, there is non consideration of the detailed responses given by the Petitioners as to their appointment orders having been issued much after the unauthorized construction of the said premises in respect of which the Respondent – NMMC had proceeded with issuance of notice under Section 53 (1) of the MRTP Act on 14th October, 2020. He has submitted that the fact that the Petitioners

were not even posted in the said ward at the relevant time i.e. at the time of unauthorized construction, had not been considered by the Respondent – NMMC. He has submitted that one day subsequent to the filing of Writ Petition No.5319 of 2025, in which the Petitioners were party Petitioners, the termination order had been passed by the Respondent – NMMC i.e. on 9th April, 2025.

12. Dr. Warunjikar has also referred to the Order dated 6th May, 2025 passed in Writ Petition No.4932 of 2025 along with companion Writ Petition Nos. 5319 of 2025 and Writ Petition (St.) No.13493 of 2025 wherein this Court had until further Orders directed the service condition of the Petitioners not to be altered without leave of the Court.

13. Dr. Warunjikar has also pointed out the fact that by an Order of the 14th Jt. Civil Judge, J.D., CBD Belapur, Navi Mumbai, the parties to the Suit which include the Respondent – NMMC were directed to maintain status quo with respect to Suit premises in pursuance of notice dated 14th October, 2020 and 24th August, 2022 issued by the Respondent – NMMC.

14. Dr. Warunjikar has submitted that inspite of the 14th Jt. Civil Judge, J.D., CBD Belapur having granted status quo in respect of the said premises, the Petitioners have been proceeded against and termination order has been passed on 9th April, 2025 by the Respondent – NMMC.

15. Dr. Warunjikar has submitted that impugned termination orders are passed in violation of natural justice as the responses of the Petitioners to the show cause notice have not even been considered and the impugned termination Order is a non reasoned order.

16. Mr. Tejesh Dande, the learned Counsel for Respondent – NMMC has upon a query being put to him by this Court as to whether he was agreeable to the matter being remanded back for fresh consideration by Respondent – NMMC, he has on instructions stated that he is not adverse to this course of action.

17. In view thereof, we pass the following Order:-

(i) The impugned termination Order dated 9th April, 2025

issued by the Respondent – NMMC is quashed and set aside.

(ii) The matter is remanded back to the Respondent – NMMC for *de novo* hearing by consideration of the responses of the Petitioners including any fresh responses that they may file.

(iii) The process of *de novo* hearing and passing of fresh Order shall be concluded by Respondent – NMMC within a period of eight weeks from the uploading of this Order.

(iv) All the contentions of parties on merits are kept open.

(v) The Writ Petition is accordingly disposed of. There shall be no Order as to costs.

[ADVAIT M. SETHNA, J.]

[R.I. CHAGLA J.]