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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.3255 OF 2026**

Pushpa Hariram Yadav and Ors.Petitioners

Versus

The Kulgaon Badlapur Municipal Council & Ors.Respondents

Ms. Priyanka S. Dable for the Petitioners.

Mr. Harshad M. Inamdar for Respondent Nos.1 and 2.

Ms. D.S. Deshmukh, AGP for Respondent Nos.3 to 5.

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

DATE : 13th MARCH, 2026

P.C. :-

1. On 11th March, 2026, we had passed the following
order :

1. The learned Advocate for the Petitioners, at the time of granting circulation, was informed that she can show us whatever documents that the Petitioners have in their custody to indicate whether the Petitioners have any title or interest over the land on which they have constructed illegal dwellings. They would be at liberty to show us the documents to indicate that their construction plans have been approved and the construction permission has been granted. With this, the circulation was granted.

2. Today, we repeatedly called upon the learned Advocate for the Petitioners to point out whether these Petitioners have any documents to indicate that they have permission to construct on any of the lands that they have occupied.

3. The learned Advocate for the Petitioners repeatedly submitted that the Petitioners are poor people. Besides this argument, the learned Advocate submits, on instructions, that she has no documents to show before this Court. It is stated that they have 7/12 extracts.

4. The law laid down by this Court in Shrikant R. Sankanwar and Ors. v. Krishna Balu Naukudkar, 2003 (3) BomCR 45, crystallizes the principle that 7/12 extracts do not confirm any right, title, or interest in a property. The Petitioners also do not have any documents to indicate that the Predecessor Seller had any title to the property.

5. As a last chance to the Petitioners as well as the Municipal Council to take instructions, list this Petition, in the urgent supplementary board, on 13.03.2026 for passing orders.

2. The Petitioners claim to be residents and landholders at Badlapur, District Thane. The Kulgaon Badlapur Municipal Council (KBMC) has commenced a demolition drive, and the Petitioners pray that the continuation of the demolition drive be halted. The Council has commenced the demolition action against the dwelling of the Petitioners under the guise of implementing the directions of this Court dated 21st November, 2025 (Coram : G.S. Kulkarni & Arif S. Doctor, JJ.) and 5th December, 2025 in Writ Petition No.7404 of 2024.

3. The Petitioners have put forth Prayer Clauses [A], [B], [C], [D], [D(I)] and [D(II)], as under :-

“A. Issue a Writ of Certiorari or any other appropriate writ, order or direction thereby quashing and setting aside the proposed demolition action initiated by the Respondent Authorities against the Petitioners' residential dwelling units situated at Kulgaon -Badlapur, District Thane;

B. Declare that the demolition action sought to be undertaken by the Respondents is illegal, arbitrary, without jurisdiction;

C. Restrain the Respondents, their officers, servants and agents from taking any coercive steps including demolition, dispossession or interference with the Petitioners' peaceful possession of their dwelling units without following due process of law;

D. Pending the hearing and final disposal of the present Petition, stay the operation, implementation and execution of any demolition action against the Petitioners' dwelling units;

D(I). Direct the Respondents jointly and severally to pay compensation to those Petitioners whose residential dwelling units have already been partially demolished, for the loss of property, destruction of household articles, structural damage and mental agony caused due to the illegal and arbitrary demolition action undertaken without authority of law and in violation of Articles 14 and 21 of the Constitution of India; and further direct assessment and quantification of such compensation by an independent officer/authority as may be appointed by this Hon'ble Court, and award such compensation as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case;

D(II). In the alternative, direct the Respondents to conduct a proper assessment of the loss suffered by the Petitioners due to any demolition already carried out and compensate them accordingly;”

4. Today, the learned Advocate for the Petitioners is showing to the Court a list of registered Sale Deeds. Out of these documents, those at serial nos.241 to 250 are a list of unauthorised buildings and premises along with photographs and the Petitioners' grievance is that the Council is ignoring these unauthorised structures only with the intention of protecting them. The Council is selectively taking action against these Petitioners. If it is alleged that the Petitioners' structures are illegal, those structures at page nos.241 to 250 of the compilation dated 12th March, 2026 should also be demolished.

5. The learned Advocate for the Corporation submits that if the Petitioners can point out illegal structures, as is attempted to be set out at page nos.241 to 250, and the Council shall proceed against all these unauthorised structures.

6. The compilation produced before us contains registered Sale Deeds and replies received from the Municipal Council. As has been settled in judicial pronouncements, a Sale Deed does not decide the title of the purchaser in the property. Sale Deeds can, at best, be used for carrying out mutation entries. Mutation entries are with regard to taxation and do not decide the title of any person.

Moreover, the Petitioners are unable to point out as to how the seller (who sold the plots to these Petitioners) came in possession of the said land.

7. The Petitioners are unable to show whether they had approved plans or approved construction permissions. It is easy for any litigant to tell the Court that he has been on the premises for 30 years. There is no proof with the Petitioners to demonstrate that they have been residing in the plots for a long time. The issue is that the title has to be established and a claim which is recognised by law, should be proven before the Authorities. The grievance is that the Authority did not hear the Petitioners. We have granted a lengthy hearing to the Petitioners, over this week.

8. In the above backdrop, we would not be able to grant protection to such structures which are apparently unauthorised and illegal.

9. The learned Advocate for the Petitioners submits that the Petitioners desire to approach the Municipal Council and convince the Council that any unauthorised portion of the structure would be removed by themselves. We would not wish to make any

comment on this statement because it is for the Municipal Council to deal with such a request being made. If such a request is put forth, the Council can take an appropriate decision.

10. In view of the above, **this Petition is dismissed.**

11. The Petitioners are at liberty to avail of a remedy as may be permissible in law.

12. Needless to state, the Council shall proceed against the unauthorised or illegal structures as are pointed out ar page nos.241 to 250 and any person owning the structure, howsoever high office he may be occupying, shall be treated equally like the present Petitioners without any exception.

(ABHAY J. MANTRI, J.)

(RAVINDRA V. GHUGE, J.)