ANANT KRISHNA NAIK
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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 3463 OF 2026

Sattayya Sirneni & Ors. ...Petitioners
Versus
State of Maharashtra & Ors. ...Respondents

Mrs. Yasmin Bhansali a/w. Ms. Prachi Singh, Ms. Taiba Khan & Ms. Sakina Merchant i/by Prachi Singh, for the Petitioners.
Mr. Milind V. More, Addl. GP for the Respondent-State.
Ms. K. H. Mastakar, for Respondent Nos.2 & 3-BMC.
Ms. Pooja Thakkar for the Respondent No.5.
Mr. Chetan Shirudkar, Sub Engineer (B & F), G/South Ward – present.

CORAM : MAHESH CHANDRA TRIPATHI, CJ. &
ADVAIT M. SETHNA, J.

DATE : 15th OCTOBER, 2026.

P.C.:

1. Heard the learned Counsel for the parties.

2. The instant Writ Petition is preferred *inter alia* seeking the following substantive reliefs

> ***(a) That this Hon'ble Court be pleased to issue a Writ of Mandamus or a Writ in the nature of Mandamus, or any other appropriate Writ Order or Direction under Article 226 of the Constitution of India, directing Respondent Nos.2 and 3 to forthwith exercise their mandatory statutory powers under Section 354A(1) of the Brihan Mumbai Municipal Corporation Act, 1888 and issue a Stop Work Notice requiring Respondent No. 5 his servants, agents, workmen contractors and associates to immediately cease and desist all unauthorized demolition, construction, repair, renovation and structural alteration works in the said Premises on the Ground Floor of the Petitioners' Society premises at Plot No. 28, Sasmira Marg, Worli, Mumbai***

- 400 030, and to take all further consequential steps to enforce compliance therewith;

b. that this Hon'ble Court be pleased to issue a Writ of Mandamus or a Writ in the nature of Mandamus, or any other appropriate Writ, Order or Direction under Article 226 of the Constitution of India, directing Respondent Nos.2 and 3 issue Notice under Section 53 of the Maharashtra Regional and Town Planning Act 1966 for the Respondent No.5 to reconstruct the demolished portion of the ground floor Premises as per approved Plans at Exhibit "A" hereto and the Respondent No.5 restore the Structural integrity of the load bearing walls and structural elements in accordance with the Sanctioned Plans at Exhibit "A" hereto."

3. Learned Counsel for the Petitioners submits/claims that there is an unauthorized construction carried out by the Respondent No. 5, on the subject premises/property situated at Worli in Mumbai, as set out in the Petition. During the midst of arguments, claims and counter claims have been set up by the parties. However, when we perused the records, we find that the Petitioners have already moved a detailed Application on 31st March, 2026 to the Senior Police Inspector, Worli Police Station as well as the Executive Engineer, Buildings & Factory Department, G/South Ward Office, BMC *qua* the unauthorized construction allegedly carried out by the Respondent No. 5.

4. In response to the previous Order passed by a Co-ordinate Bench of this Court, the learned Counsel for Respondent-BMC, on instructions, submits that the Respondent No. 5 has already moved an Application dated

10th August, 2026 (for short "the said Application") for regularization of the alleged unauthorized construction, which has been carried out and that the said building is not in a hazardous condition. However, she fairly further submits that at the time of processing the said Application of the Respondent No. 5, the claims and counter claims of the parties shall be examined by the Respondent–BMC.

5. In these facts and circumstances, we are not inclined to indulge into the disputed facts. We direct the Deputy Chief Engineer, Building & Factories Department, G/South Ward to examine the Application of the Petitioners dated 31st March, 2026 alongwith the Application by the Respondent No. 5 dated 10th August, 2026, which are stated to be pending, on merits and in accordance with law. We further observe that the claims set up by the Respondent No. 5, who is the owner of a premises in question may also be considered in a manner that the law would mandate, without being influenced by the observations made by this Court.

6. The Writ Petition is Disposed Of in light of the above observations/directions, leaving open all rights and contentions of the parties and without adverting to the merits of the matter.

[ADVAIT M. SETHNA, J.] [CHIEF JUSTICE]