PANCHAL

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

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Date: 2026.10.14 11:03:52 +0530

WRIT PETITION NO. 4817 OF 2026

Simar Raj Singh Bharara ...Petitioner
Versus
Municipal Corporation of
Greater Mumbai & Ors. ...Respondents

...

Ms. Janhavee Joshi a/w Ms. Malaika Castellino i/by Mr. J. J. Shah, for the Petitioner.

Ms. K. H. Mastakar, for Respondent Nos.1 to 3-BMC.

...

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

DATE : 13th OCTOBER, 2026.

P.C.:

1. The instant Writ Petition has been filed, *inter-alia,* praying for the following substantive reliefs :-

> *"a) Issue a Writ of Mandamus or any other appropriate Writ, Order or Direction directing Respondent Nos. 1, 2, and 3 to forthwith follow the procedure to demolish the illegal and unauthorized construction carried out by the Respondent Nos.4 to 21 under the provisions of the BMC Act & MRTP Act;*
>
> *b) Issue a Writ of Mandamus or any other appropriate Writ, Order or Direction directing Respondent Nos.1, 2, and 3 to proceed in accordance with law and to take all consequential and coercive steps pursuant to the MRTP Notices, including issuance of Speaking Orders and demolition action, in respect of the illegal and unauthorised constructions carried out by Respondent Nos.4 to 21;*
>
> *c) Issue a Writ of Mandamus or any other appropriate Writ, Order or Direction directing Respondent Nos. 1, 2, and 3 to act uniformly, fairly, and non-discriminatorily, and to take*

> *action in accordance with law against all illegal and unauthorized constructions on the Subject Property, pursuant to the complaints made by the Petitioner;"*

2. We have heard the learned Counsel for the Petitioner. In view of the order that we propose to pass, we are not inclined to issue Notice to the Respondents or keep the matter pending.

3. As the Petitioner has confined the relief to the extent of pending complaint *qua* the mismanagement and unlawful functioning of the society i.e. Kedarnath Tower Co-operative Housing Society Limited. The Petitioner has already made a detailed representation/complaint dated 13th March, 2026 to the Deputy Registrar of Co-operative Society, Mumbai, who is the Competent Authority. Learned Counsel for the Petitioner submits that until date, in spite of the same being served upon the Respondents, the Respondents have not taken any such concrete steps to address such complaint.

4. Considering the relief, we are not inclined to advert on merits of the matter. The instant Writ Petition stands Disposed Of with an observation that in case complaint is still undecided, we expect that the Deputy Registrar, Co-operative Society, Bandra (E), Mumbai to take a final call within a period

of three months from the date of production of a certified copy of this Order by the Petitioner, certainly after giving ample opportunity of hearing to all stakeholders, including private Respondent Nos.4 to 21.

5. With the aforesaid directions, Writ Petition is Disposed Of, without adverting on merits of the matter.

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