PANCHAL

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

BALAJI GOVINDRAO PANCHAL
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Date: 2026.10.14 11:03:40 +0530

WRIT PETITION NO. 4784 OF 2026

Sunil Gulabdas Surti ...Petitioner

Versus

Brihanmumbai Municipal Corporation (BMC) & Ors. ...Respondents

...

Mr. Vedant C. Pange a/w Ms. Vaidehi Zagade h/f Mr. Anup S. Dhannawat, for the Petitioner.
Ms. K. H. Mastakar, for the Respondent-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. This Hon'ble Court be pleased to exercise its extraordinary jurisdiction under Article 226 of the Constitution of India and issue a Writ of Certiorari, or a writ in the nature of Certiorari, or any other appropriate writ, order, or direction, calling for the records and proceedings pertaining to the Impugned Special Valuation Notice bearing Inward No. RC/AC/2023-24/121041 dated 05/03/2024 issued by Respondent No. 2, and after examining the legality, validity, and propriety thereof, be pleased to quash and set aside the same; Exhibit D*

b. *This Hon'ble Court be pleased to exercise its jurisdiction under Article 226 of the Constitution of India and issue a Writ of Mandamus, or a writ in the nature of Mandamus, or any other appropriate writ, order, or direction, directing Respondent Nos. 1 to 3 to forthwith give full legal force and effect to the Room Transfer Sanction Letter bearing No. ACRC/4387/AEM dated 05/01/2021 issued by Respondent No. 3, Exh. C recognizing the Petitioner as the sole lawful tenant and occupant of Room No. 6, Municipal Chowi Compound, Sodawala Lane, Borivali (West), Mumbai - 400092;*

c. *This Hon'ble Court be pleased to exercise its jurisdiction under Article 226 of the Constitution of India and issue a Writ of Mandamus, or a writ in the nature of Mandamus, directing Respondent Nos. 1 and 2 to re-determine and re-assess the Capital Value and fair market compensation in respect of the Subject Premises in an equitable, transparent, and scientific manner, strictly after affording the Petitioner a meaningful opportunity of personal hearing and considering the prevailing market value and redevelopment potential of not less than Rs. 5,00,00,000/-;"*

2. We have heard learned Counsel for the Petitioner. In view of the order that we propose to pass, we are not inclined to issue Notice. We find that the Petitioner has assailed the impugned Notice of the Respondent-Corporation on various grounds. It is claimed that a belated attempt has been made by the Petitioner through the legal Notice dated 20th July, 2026, to revive his claim in reply to the Impugned Notice. The learned Counsel for the Petitioner at this juncture, makes a statement across the Bar that till date the proceeding has not been finalized.

3. Per contra, learned Counsel for the Respondents at the threshold raised an objection *qua* the maintainability of the instant proceeding on two fold submissions. Firstly, the Petitioner has challenged the Impugned Notice issued under Section 162(2) & 216(B) of the Mumbai Municipal Corporation Act, 1888 (for short **"MMC Act"**) dated 5th March, 2024. At this stage, she has no knowledge whether the proceeding under the said Special Notice has been finalized or not. Therefore, the Writ Petition is premature and is liable to be dismissed, as the proceedings are yet to be finalized, in case it is not done. Secondly, if a final order is passed, the same is also appealable under Section 217 of the MMC Act.

4. Considering the factual aspect of the matter and the claim as set up before us, we are not inclined to entertain the instant Writ Petition. However, we observe that in case the Petitioner files an objection within two weeks, we expect the Competent Authority of the Respondent-Corporation shall pass an appropriate order under the Act and in accordance with law expeditiously, preferably within a period of eight weeks from the date of production of a certified copy of this Order by the Petitioner, certainly after giving ample opportunity of hearing

to all the stakeholders. .

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

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