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

WRIT PETITION NO.2505 OF 2023

Sun Rock Municipal Employees
Co-operative Society Ltd. … Petitioners

Versus

The Municipal Commissioner &
Others … Respondents

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Mr. Kirti Munshi, Senior Counsel a/w Ms. Priyam Amin and Ms. Aditi Karanjkar i/b N.N. Amin & Co. for the Petitioners.
Mr. Ramdas Hake-Patil a/w Mr. Bibhishan Sutar i/b Smt. Komal Punjabi for Respondent Nos.1 to 4-MCGM.
Adv. Nishigandh Patil, A.G.P. for Respondent-State.
Mr. Sanjiv Sawant a/w Mr. Abhishek Deshmukh and Ms. Bhakti Wast for Respondent Nos.6 and 7.

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CORAM: M.S. KARNIK &
SANDESH D. PATIL, JJ.

DATED : 6th OCTOBER 2026

P.C.

1. Heard Mr. Kirti Munshi, the learned Senior Counsel appearing for the Petitioners, Mr. Ramdas Hake-Patil, the learned Counsel for Respondent Nos.1 to 4-MCGM and Mr. Sanjiv Sawant, the learned Counsel for Respondent Nos.6 and 7.

2. The Petitioners are seeking the relief for directing the

Respondent Nos.1 to 4-MCGM to take action against the unauthorized construction, which is the subject matter of the Petition.

3. Mr. Sanjiv Sawant, the learned Counsel submits that a Civil Suit has been filed before the City Civil Court at Dindoshi, Mumbai, by Respondent Nos.6 and 7. The interim protection has been granted in the pending suit.

4. Mr. Munshi, the learned Senior Counsel submitted that the Petitioners have filed an application for intervention in the pending suit. However, he proposed to withdraw the intervention application, as the same may not be maintainable.

5. In any case, once the notice has been issued by the MCGM under Section 53(1) of the M.R.T.P. Act, the same will obviously have to be taken to its logical conclusion. If there are the subsequent developments, the MCGM is bound to take the same into consideration.

6. This Writ Petition is disposed of by directing the MCGM to take the notice under Section 53(1) of the M.R.T.P. Act to its logical

conclusion, subject to any legal impediment.

7. It is open for the Petitioners to request for inspection of the files to the concerned Officials of the MCGM, dealing with the subject notice. If such an application is made, the same to be considered in accordance with the existing rules, within a period of four weeks from the date of the Application.

8 The Writ Petition stands disposed of.

(SANDESH D. PATIL, J.) (M.S. KARNIK, J.)

RAJESH VASANT CHITTEWAN
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Date: 2026.10.09 11:11:18 +0530