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

WRIT PETITION NO. 4612 OF 2026

Hussain Abbasali Khan ...Petitioner
Versus
The State Of Maharashtra & Ors. ...Respondents

Mr. Chowdhari Moin i/b. A. A. Siddiquie & Associates for the Petitioner.
Ms. Rita Joshi, AGP (through VC) for the Respondent-State.
Ms Sheetal Metakari i/b. Adv. Komal Punjabi for the Respondent Nos. 2 and 3-BMC

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

DATE : 5th OCTOBER, 2026.

P.C.:

1. Heard learned Counsel for the parties.

2. By the instant Petition, the Petitioner pray for the following substantive reliefs: -

> *(a) That this Hon'ble Court be pleased to issue a writ of mandamus, order, or direction directing the Respondent Nos. 2 and 3 jointly and severally to consider the complaint dated 23/01/2026 and 09/02/2026 respectively and forthwith initiate strict demolition action against the unauthorized and illegal first-floor construction, outside iron staircase, and gallery erected by Respondent No. 4 at Siddiuge Mohammad Chawl, Poisar, Kandivali (E), Mumbai-400101;*
> *(b) That pending the hearing and final disposal of this Petition, this Hon'ble Court be pleased to issue a writ of mandamus. order, or direction, directing Respondent Nos. 2 and 3 to expedite the execution of their statutory duties and pass appropriate orders thereon within a time-bound period of 7 days;*

3. The Petitioner, who is the Complainant, invoked the Writ Jurisdiction in pith and substance for directions to the Respondent No. 3-Assistant Municipal Commissioner, R/South Ward to take a final call on the complaints dated 23rd

January, 2026 and 9th February, 2026, which was preferred indicating therein that there is an unauthorized and illegal construction of 1st floor upon a structure having brick masonry wall with AC sheet roof at Siddiuqe Mohammad Chawl, Gaodevi Road, Near Saibaba Mandir, Poisar, Kandivali (East), Mumbai. Learned Counsel for the Petitioner at this stage confined his reliefs to the Complaints dated 23rd January, 2026 and 9th February, 2026 to be decided in accordance with law.

4. At the outset, learned Counsel for the Respondent-Corporation informs that the Complaints were made way back in the months of January and February and some time be accorded to obtain appropriate instructions as to the status of the same and whether the said Complaints have been entertained or not.

5. Be that as it may. At this stage, we are not inclined to issue Notice to the Respondents or keep the matter pending. In case such Complaints are pending consideration, we expect the Authority to take final decision thereon strictly in accordance with law within eight weeks from the date of production of a certified copy of this Order. In case there is no other impediment, the Competent Authority of the Respondents shall be at liberty to proceed in accordance with the law certainly after giving sufficient opportunity of hearing to all stakeholders.

6. With the aforesaid direction, the Writ Petition is Disposed Of.

7. Needless to state, we have not adverted to the merits of the matter and all contentions of the parties are kept open.

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

ANANT KRISHNA NAIK
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