

URMILA
PRAMOD
INGALE

Digitally signed
by URMILA
PRAMOD
INGALE
Date:
2026.03.09
14:15:10 +0530

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

WRIT PETITION NO. 425 OF 2024

Millat Nagar Residents Welfare Association ... Petitioner
Versus
The Municipal Commissioner of
Greater Mumbai and ors. Respondents

Mr. Vikram N. Walawalkar i/b Viqar Rajguru, for the Petitioner.
Ms. Vaishali Ugale, for the Respondent- BMC.
Mr. Sunil Choudhari, AE(BF) K/W ward, present.

**CORAM : M.S.KARNIK &
S.M.MODAK, JJ.**

DATE : 6th MARCH 2026

P.C. :

1. Heard learned counsel for the petitioner and learned counsel for the respondent- Municipal Commissioner of Greater Mumbai ('MCGM', for short).

2. The petitioner is a charitable organization registered with the Charity Commissioner, Mumbai. The petitioner is looking after the upkeep and welfare of the Millat Nagar area situated at Oshiwara, Andheri. It is the contention of the petitioner that the Millat Nagar Layout has been sanctioned by the MCGM and, there

is an area within the Layout which is being used as a playground. As per the sanctioned plan, the said area is shown as a recreation garden. It is the submission that the same is compulsory recreation garden which is required to be provided in the Layout as per 1967 D.C. Regulations. It is submitted that there are two bodies which are conglomerate of 29 residential societies and one commercial society known as Okaz Shopping Centre. The said bodies are Millat Nagar Residence Welfare Association and Millat Nagar Co-operative Housing Society Federation Limited and both the bodies exercise control over the common areas of Millat Nagar.

3. However, on account of strong arm tactics, the Millat Nagar Co-operative Housing Society Federation Limited has taken illegal and exclusive control of the playground and other common areas of Millat Nagar Layout. It is alleged that the said Millat Nagar Co-operative Housing Society Federation Limited, through its office bearers, has illegally converted the use of the playground area for conducting commercial activities namely, there is a weekly Tuesday Market being organized in the said playground, wherein hawkers from across Mumbai come and sell their goods under the shelter of the Millat Nagar Co-operative Housing Society Federation Limited

in the Tuesday market which is organized weekly. A consideration amount of Rs.59,000/- is paid for the weekly use of the said Tuesday Market. It is also alleged that an illegal goat market is organized during Eid festival for which the Millat Nagar Co-operative Housing Society Federation Limited is being given a consideration of Rs. 5 lakhs.

4. Thus, learned counsel for the petitioner urged that the playground meant for children is being used for commercial purpose and therefore, there is an illegal conversion of the playground area as per the sanctioned plan which is in violation of Section 52(2) of the Maharashtra Regional and Town Planning Act, 1966 ('MRTP', for short). It is urged that the illegal goat market is in contravention of Section 404 of the Mumbai Municipal Corporation Act, 1888. Learned counsel for the petitioner submitted that the petitioner therefore sent a representation dated 13/05/2022 to the Assistant Commissioner, K/West, Andheri alleging misuse of the recreation garden by the said Federation for financial gain. Advocate's notice has been issued to the Municipal Commissioner on 11/07/2023 on behalf of the petitioner which is at page 25 of the paper-book alleging unauthorised use other than

in conformity with the development plan, punishable under Section 52(2) of the MRTP Act.

5. We have heard learned counsel for the MCGM. Without observing anything on merits of the contentions as the respondent no.3 is not before us, since it is pointed out by the petitioner to the appropriate authorities of the MCGM regarding unauthorised use other than in conformity with the development plan, in the first instance, we direct the Assistant Municipal Commissioner, 'K' West Ward, Andheri to look into the representation dated 13/05/2022 and the notice dated 11/07/2023 and after examining the grievance of the petitioner, immediately to take appropriate action if the authorities are of the opinion that there is unauthorised use or illegal conversion by respondent no.3 in terms of provisions of MRTP Act. The grievance of the petitioner be addressed expeditiously, in accordance with law, in any case within a period of 10 weeks from the communication of this order.

6. The writ petition is disposed of.

(S.M.MODAK, J.)

(M.S.KARNIK, J.)