

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

WRIT PETITION NO.1428 OF 2024

Suresh C. Nair S/o. M. Chellappan Pillai ...Petitioner
Vs.
The State Of Maharashtra
Through Principal Secretary,
Housing & Area Devpt. Department & Ors. ...Respondents

Adv. Abhinandan Waghmare, for the Petitioner.
Mr. Himanshu Takke- AGP for the Respondent-State.
Adv. Anjali Ghuge, for the Respondent-BMC.
Mr. Jagdish G. Aradwad (Reddy), for the Respondent No.3-SRA.
Mr. Lalit V. Jain, for the Respondent No.4.
Adv. Bipin Joshi, for the Respondent No.6.

**CORAM : M. S. KARNIK AND
SHYAM C. CHANDAK, JJ.
DATE : 23rd MARCH, 2026.**

PC:-

1) This Petition seeks a direction to Respondent Nos.2 and 3 to forthwith inspect entire subject matter building being known as "Integrated Bhoomi Co-operative Housing Society Ltd.", situated at L.B.S. Road, Ghatkopar (West), Mumbai-400 086 bearing property Nos.1996 to 2011 and 2012 to 2028 and building for S.R. Scheme on plot bearing C.T.S. No.1954A (pt.), 2058(pt.), 2028A and 2028B, compare the same with the original plan sanctioned by the authorities concerned and take necessary action in accordance with law for all the illegal acts committed by the

builder, i.e., Respondent No.4 in respect of construction pertaining to the said building.

2) Heard Mr. Waghmare, learned Counsel for the Petitioner, Mr. Takke, learned AGP for the Respondent-State, Ms. Ghuge, learned Counsel for the Respondent-BMC, Mr. Reddy, learned Counsel for the Respondent No.3-SRA, Mr. Jain, learned Counsel for the Respondent No.4 & Mr. Joshi, learned Counsel for the Respondent No.6.

3) It is the case of Petitioner that he is owner of a unit, i.e., C-02 (A-102) situated in the subject matter building which was constructed by Respondent No.4. The Petition indicates that there is some dispute in between the Petitioner on one hand and Respondent No.4-Builder and Respondent No.5-Society on the other. The Petitioner asserted that there is a mismatch in the building plan and the actual construction of the building.

4) Learned Counsel for the Petitioner submitted that, therefore, the Petitioner has submitted the certain aforesaid representations from time to time seeking inspection of the building and to take necessary action, accordingly. However, the Respondents concerned are not taking it serious and deciding the representations in accordance with law.

5) Learned Counsel appearing for Respondent Nos.2 and 3, submitted that there is considerable delay in filing the said representations seeking redressal of the grievance of the Petitioner. However, the representations filed by the Petitioner in the form of complaints will be

decided within a period of 12 weeks from the communication of this Order, but on its own merit and keeping open the question of delay.

6) Mr. Waghmare, the learned Counsel for the Petitioner has no objection for the same.

7) As a result, the Petition deserves to be partly allowed. Hence, the following Order :-

:: ORDER ::

- (a) The Petition is partly allowed.
 - (b) The Respondent Nos.2 and 3 shall decide the said Representations/Complaints filed by the Petitioner within a period of 12 weeks from the date of communication of this Order, on its own merit and in accordance with law.
 - (c) The question of delay in filing the Representations/Complaints is kept open.
- 8) Petition stands disposed of in above terms.

(SHYAM C. CHANDAK, J.)

(M. S. KARNIK, J.)