

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**ORDINARY ORIGINAL CIVIL JURISDICTION****WRIT PETITION NO.783 OF 2024**

Kailashprasad S. Malpani

... Petitioner

V/s.

Brihanmumbai Municipal Corporation & Ors

... Respondents

Mr. Sharan Jagtiani, Senior Advocate a/w Mr. Rohit Bandekar, Ms. Sheetal Shah, Ms. Vinish C. for the Petitioner.

Ms. Smita Tondwalkar, for Respondent Nos.1 to 4-BMC.

Mr. Amar Mishra, A.G.P for Respondent Nos.5 and 6-State.

**CORAM : A. S. GADKARI AND
KAMAL KHATA, JJ.**

DATE : 28th APRIL 2026

P.C. :

1) By this Petition, Petitioner is seeking a writ of certiorari or any other writ, order or direction in the nature of certiorari calling for the records and proceedings in regard to the Notification dated 12th September 2022 and for its quashing and setting aside and for other reliefs including rectification of the error in pertaining to designation / reservation in respect of the Petitioner's land covered by EP No. EP-RC74, stated in the notification dated 12th September, 2022 and for other consequential reliefs.

2) Heard Mr. Jagtiani, learned Senior Advocate for the Petitioner, Smt. Tondwalkar, learned for the Respondent Nos.1 to 4-BMC and Mr.Mishra, learned A.G.P for the Respondent Nos.5 and 6-State.

- 3) Despite opportunities granted on earlier occasions, the State has not filed any reply. Even today, there is no opposition to the Petition. It appears that the State is not serious in contesting the present Petition.
- 4) Perusal of record indicates that, Respondent Nos.5 and 6 are the contesting Respondents.
- 5) Record indicates that, present Petition is duly served upon the Respondent Nos.5 and 6. However, although since 7th March, 2024, the State of Maharashtra is being represented by their Advocate(s) they failed to file a response.
- 6) In these circumstances we are left with no other alternative but to take an adverse inference and allow the Petition.
- 7) Petition is accordingly allowed in terms of prayer clauses (a) and (b).
- 8) It is open for the State to take appropriate steps in accordance with law against the concerned Officers, if so advised. The State is at liberty to recover the losses from the concerned Officers, who have failed to oppose the Petition and in fact have given implied consent in allowing the Petition.

(KAMAL KHATA, J.)

(A.S. GADKARI, J.)