

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

WRIT PETITION NO. 1646 OF 2025

Glenda Ignatius Dilva

... Petitioner

Versus

The State of Maharashtra & Ors.

... Respondents

Mr. V. N. Gupta for the Petitioner.
Smt. Sheetal Malvankar, AGP for the Respondent-State.
Mrs. S. V. Tonwalkar for Respondent Nos.2 to 4.
Mr. Anuj Pande for Respondent Nos.5(a) & 5(b).

CORAM : M. S. KARNIK AND
S. M. MODAK, JJ.
DATED : 5th MARCH, 2026.

P.C. :

1. Heard learned counsel for the petitioner, learned counsel for respondent-Corporation and learned counsel for respondent Nos.5(a) and 5(b).

2. The present petition seeks the following substantial reliefs: -

“(a) This Hon’ble Court be pleased to issue writ of mandamus, writ in nature of mandamus or any other appropriate writ or order in exercise of its power under Article 226 of the Constitution of India and directing the Respondent No.3 and 4 to submit the papers and proceedings from their concerned office regarding the action taken by them on the complaints made by the Petitioner and further direct the said authorities to demolish the unlawful and unauthorised construction done by Respondent No.5, 5(a) and 5(b) on plot bearing

CTS No. 1954 to 1964 at village Kolkalyan, Santacruz (East), Vakola, Mumbai – 400 055 without any sanction or permission from the concerned authorities.

(b) This Hon'ble Court be pleased to issue writ of mandamus, writ in nature of mandamus or any other appropriate writ, order in exercise of its power under Article 226 of the Constitution of India and direct Respondent Nos.3 and 4 to carry out survey/inspection of the site and after survey/inspection of the site direct Respondent Nos.5(a) and 5(b) to remove illegal and unlawful encroachment from the property of the petitioner or pass such orders deem fit and proper by this Hon'ble Court to remove all encroachment from the property of this petitioner.

(c) Pending the hearing and final disposal of the petition, this Hon'ble Court be pleased to restrain the Respondent Nos.5(a) and 5(b), their agents, servants or any of their representatives from carrying out any further illegal construction on plot bearing CTS No. 1954 to 1964 at village Kolkalyan, Santacruz (East), Vakola, Mumbai – 400 055 and further also the said respondent Nos.5(a) and 5(b), their agents, servants or any of their representatives be restrained from further encroaching on the property of the petitioner in any means.”

3. During the pendency of this petition, learned counsel for the petitioner placed on record a copy of the notice issued under Section 354-A of the Mumbai Municipal Corporation Act, 1888 to the owner/occupier. Thus, the Corporation has already issued the notice and taken action. The notice shall obviously be taken to its logical conclusion subject to legal impediment if any. The purpose for which the petition was filed has been worked out. Liberty to the petitioner to file appropriate proceedings at a

later stage, if the occasion so arises.

4. We have been informed by the learned counsel for respondent Nos.5(a) and 5(b) that the said notice is the subject matter of challenge by a separate proceeding filed in Writ Petition (L) No. 4951 of 2025. Obviously the same shall be heard and decided on its own merits and in accordance with law.

5. So far as the present petition is concerned, the same is disposed of by keeping all the contentions open.

(S. M. MODAK, J.)

(M. S. KARNIK, J.)