

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

WRIT PETITION NO. 1739 OF 2024

New Liberty Co-op. Housing Society Ltd.

... Petitioner

Versus

Assistant Municipal Commissioner & Ors.

... Respondents

Mr. Makarand Raut for the Petitioner.

Mr. Dhananjay Singh a/w. Mr. Sancchit Singh for Respondent No.3.

Mr. Ashwin Sakolkar (through VC) a/w. Ms. Anjali Ghuge for Respondent Nos.1, 2, 4 & 5-BMC/MCGM.

Mr. Amol Bodkhe (RE) Maintenance Department and Mr. Aniket Bankar (JE), Maintenance Department are present.

CORAM : M. S. KARNIK AND

S. M. MODAK, JJ.

DATED : 11th JUNE, 2026.

P.C. :

1. Heard learned counsel for the petitioner.
2. The eligibility application has been decided by the Corporation in favour of respondent No.3 and in respect of one of the structure i.e. structure No.24, respondent No.3 has been held to be eligible. Learned counsel for respondent No.3 seeks some time to obtain instructions on this aspect. Learned counsel for the Corporation submits that further steps pursuant to respondent No.3 if held eligible will be taken within a period of four weeks from today. The Order/Annexure-II declaring respondent No.3 eligible be supplied to the petitioner-society within a period of one

week from today. It is open for the petitioner to challenge the Order/Annexure-II passed by the Corporation, if the same is prejudicial to the interest of the petitioner-society before the appropriate forum.

3. Keeping the rights and contentions of the parties open and as now it is assured by the Corporation that the appropriate action against the structure will be taken within a period of four weeks in accordance with law and even as respondent No.3 is willing to co-operate either by accepting the compensation or rehabilitation in terms of Kurar pattern, Corporation to take further logical action within a period of four weeks. The offending structure shall be removed within a period of six weeks from today.

4. The petition is disposed of.

(S. M. MODAK, J.)

(M. S. KARNIK, J.)