

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

WRIT PETITION NO. 990 OF 2026

Briddhichand Satya Naryan Gupta

... Petitioner

Versus

State of Maharashtra & Ors.

... Respondents

Mr. K. R. Tiwari for the Petitioner.

Ms. Vaishali Ugale for the Respondent-BMC.

Mr. Prashant Kamble, AGP for the Respondent-State.

CORAM : M. S. KARNIK AND
S. M. MODAK, JJ.

DATED : 4th MARCH, 2026.

P.C. :

1. Heard learned counsel for the petitioner.
2. The grievance of the petitioner is that his brother has made illegal construction over the subject land after taking its forcible possession from the petitioner. It is further alleged that the unauthorised construction has been carried out by his brother i.e. respondent No.8 and others. The relief sought in this petition is to stop the illegal construction, enforce the Magistrate's order and protect the petitioner's right over the property. The petitioner has already taken resort to appropriate proceedings before the Civil Court. Further, the petitioner has approached the Judicial Magistrate First Class, 17th Court, Borivali by filing the criminal proceedings. In such

view of the matter, it is not possible for us to entertain the petition as the petitioner has availed of alternate efficacious remedy.

3. Learned counsel for the petitioner submits that respondent No.8 is carrying out illegal construction. Our attention is invited to the complaint dated 5th December, 2025 made to the Ward Officer, R/South Ward, Mahatma Gandhi Road-2, Kandivali (W), Mumbai of the respondent-Corporation, which is at page 40 of the petition. If it is the grievance of the petitioner that some illegal construction is being carried out without any permission, it is for the petitioner to pursue the same before the competent authority. Since the complaint has been made to the Ward Officer, the Ward Officer shall obviously look into the complaint and if it is found that illegal construction is being carried out, obviously action in accordance with law shall be taken.

4. With these observations, the petition is disposed of.

(S. M. MODAK, J.)

(M. S. KARNIK, J.)