

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

WRIT PETITION NO.4093 OF 2025

Inderjeet Singh Bhatia and Ors. .. Petitioners
Vs.
Municipal Corporation of Greater Mumbai & Ors. .. Respondents

Ms. Vrushali Kabre with Ms. Meenal Chavan, Advocates for the Petitioners.

Mr. Akshay Shinde with Ms. Oorja Dhond, i/by Ms. Komal R. Punjabi, Advocates for Respondent Nos.1 to 3.

**CORAM : SHREE CHANDRASHEKHAR, CJ. &
SHYAM C. CHANDAK, J.**

DATE : 18TH APRIL 2026.

P.C. :

This writ petition has been filed to challenge the speaking order dated 28th July 2025 passed by the respondent no.3- Designated Officer of the Municipal Corporation of Greater Mumbai. At the initial stage, a Co-ordinate Bench of this Court took a serious note of the manner in which the drastic powers under the Maharashtra Regional and Town Planning Act, 1966 (*“the MRTP Act”*) were exercised by the Designated Officer.

2. On 8th August 2025, the following order was passed by a Co-ordinate Bench of this Court:-

- “1. We have heard learned counsel for the parties.*
- 2. Mr. Milind Kadam, Designated Officer, H/ West Ward has passed the impugned order dated 28th July 2025 described to be ‘speaking order’ under section 53(1) of the Maharashtra Regional Town Planning Act, 1966 whereby the plan as approved by the Municipal Corporation as also the construction, which has been granted Occupation Certificate as far as back on 23rd August 1976, prima facie on untenable grounds, has been held to be unauthorized and illegal and is ordered to be demolished.*
- 3. A plain reading of the order, prima facie shocks our conscience as it appears to be completely a motivated action inasmuch as*

we do not find any sound legal basis in the Designated Officer Mr. Milind Kadam exercising such drastic powers and that too without issuance of show cause notice. It appears that such action has been resorted on extraneous considerations at the behest of respondent no.5 who has never asserted his title since 1976 as we are not informed by Mr. Sakhare that respondent no.5 had filed any civil suit for declaration that he is the lawful owner of the property in the building in question.

- 4. In this view of the matter, in our prima facie opinion, the observations which are made in the impugned order would even surpass a declaration which would be granted by the Civil Court. Unfortunately, it appears to be a very casual nay reckless exercise of power.*
- 5. We direct Mr. Milind Kadam, Designated Officer to place on record reply-affidavit and explain under what authority under the Municipal Corporation Act, such powers could be exercised by him. Let reply-affidavit be placed on record within 10 days from today. Copy of the same be served on the advocate for the petitioner and the other respondents. The other respondents are also permitted to file reply-affidavit.*
- 6. Till the adjourned date of hearing, the impugned order dated 28th July 2025 shall remain stayed.”*

3. Mr. Akshay Shinde, the learned counsel appearing for the respondent-MCGM refers to the statements made in paragraph no.14 of the reply-affidavit dated 18th August 2025, which reads as under:-

“14. I say that I have carefully perused the order dated 8th August 2025 passed in the present proceedings and observations made therein. I say that I may be granted an opportunity to reconsider the issue as to whether the provisions of section 53(1) of MR & TP Act are at all attracted to the structure in issue. I say that I will take considered decision in the aforesaid regard within eight weeks from today after giving opportunity of hearing to all the concerned parties including the petitioners.”

4. The learned counsel for the respondent-MCGM further states that the respondent-authority is ready to withdraw the impugned speaking order dated 28th July 2025 and an opportunity for making a representation as provided under sub-section (3) of section 53 of the MRTP Act shall be given to the petitioners.

5. In view thereof, this writ petition succeeds and the impugned speaking order dated 28th July 2025 is quashed. The respondent

no.3-Designated Officer is directed to pass an order on the representation moved by the petitioners within six weeks. The petitioners shall be at liberty to make an application within next two weeks supported by relevant materials and proof thereof. The Designated Officer shall take a decision in accordance with law and condone the structures raised without permission if that is permissible in law and the applicable building by-laws.

6. Writ Petition No.4093 of 2025 is disposed of in the above terms.

[SHYAM C. CHANDAK, J.]

[CHIEF JUSTICE]

Digitally signed
by PRAVIN
DASHARATH
PANDIT
Date:
2026.04.23
11:58:38 +0530