

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

WRIT PETITION NO.1438 OF 2026

SATISH
RAMCHANDRA
SANGAR

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Behrambaug Patelwadi SRA Cooperative
Housing Society Limited

...Petitioner

V/s.

The Bombay Municipal Corporation of
Greater Bombay and Ors.

...Respondents

Mr.M.P.Mishra h/f Mr.A.B.Rawal, Advocate for Petitioner.
Smt.Smita Tondwadlkar, Advocate for Respondents-BMC.
Ms.Yogita Kanojiya i/b. Mr.Ashish Dubey, Advocate for Respondent
Nos.4 and 5.

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

DATE : 27th MARCH 2026

P.C. :-

1. Heard learned counsel for the Petitioner and learned counsel for the Respondents.

2. The Petitioner has prayed for the following substantial reliefs:-

“(a) That this Hon’ble Court be pleased to issue appropriate writ order and direction, directing the Respondent No.1 to 3 to take appropriate legal action on basis of written complaint of the petitioners dated 16/02/2026 and to demolish and/or remove the illegal encroachment of 1st Floor, terrace and

ground floor building common passage done by the Respondent No.4 and 5 forthwith”.

3. We have perused the notice issued by the Corporation under Section 53(1) read with Section 52(1)(b) and (d) of the Maharashtra Regional and Town Planning Act, 1966 (“**MRTTP Act**”) to the owners/occupiers of the structure which is in occupation of Respondent Nos.4 and 5.

4. Learned counsel for the Corporation placed on record a communication dated 27th March 2026 wherein it is recorded that the owners / occupiers have submitted that they have removed the unauthorized works mentioned in the notice. It is further mentioned that accordingly on site inspection, it is verified that the unauthorized works are removed.

5. Learned counsel for the Petitioner has reservation about such a stand taken by the Corporation. It is submitted that in fact, the unauthorized developments / changes in terms of the notice at Page No.18 are still at site and the stand has been taken for the sake of taking the stand.

6. In the light of the stand taken by the Corporation, it is obvious that in terms of the notice issued by the Corporation, the unauthorized

portion has to be removed and given that the owner has admitted that the offending portion has been removed.

7. We do not propose to keep the Petition pending. However, it is open for the Petitioner to place before the Corporation its grievance if the Corporation is not acting in terms of the notice dated 23rd July 2024 at Exhibit–A. In such an event, it is open for the Petitioner to seek appropriate reliefs. If the representation is made to the Corporation that the action of removal is not in accordance with the notice dated 23rd July 2024, the Corporation to look into the grievance and act against the offending structure in terms of the statement which has been recorded in the communication dated 27th March 2026.

8. **The Writ Petition is accordingly disposed of.**

(S. M. MODAK, J.)

(M. S. KARNIK, J.)