

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 5499 OF 2026**

Shakeel Abdul Hafiz Momin ... Petitioner
vs.
State of Maharashtra, Thr. Principal Secy.,
Urban Development Department and others ... Respondents

**AND
WRIT PETITION NO. 5501 OF 2026**

Mr. Farooque N. Momin a/w. Adv. Naofil Momin and Mr. Hamza Khot for petitioners in both petitions.

Ms. M. S. Bane, AGP for respondent No.1 – State in WP/5499/2026.

Mr. R. S. Pawar, AGP for respondent No.1 – State in WP/5501/2026.

**CORAM : MANISH PITALE &
SHREERAM V. SHIRSAT, JJ
DATE : 23rd APRIL, 2026**

P.C. :

. Heard learned counsel for the petitioners in both the petitions.

2. Both these petitions raise identical issues with regard to the impugned action undertaken by respondent No.2 – Municipal Corporation. It is submitted that the impugned notices dated 23.03.2026 issued to the petitioners stated that the possession of the properties of the petitioners will have to be handed over within 15 days of the date of the notices, for the purpose of road widening being undertaken by the said respondent. It is submitted that although the petitioners have sent their responses to the said notices on 06.04.2026, there is likelihood of coercive action being taken by the said respondent, on the basis of the impugned notices.

3. We have perused the documents on record and we find that documents placed on record in both the petitions indicate that the petitioners were granted permission for undertaking construction on the subject lands and that the structures are existing at least for the past 3 decades.

4. We also find that *prima facie*, the relevant portion of the said notices appears to be self-contradictory. While in the first sentence of the relevant paragraph, it is stated that the said respondent shall examine the documents to be submitted by the petitioners to verify their eligibility and thereupon, steps will be taken for payment of compensation as per Rules, the next sentence states that the petitioners will have to handover possession of the subject property within 15 days and thereafter, the action of determining compensation will be undertaken as per Rules. In other words, *prima facie*, it appears that the said respondent intends to take physical possession of the subject properties, while the process of determination of compensation would still be underway.

5. We find that in such circumstances, the petitioners are justified in expressing their apprehension that unless interim relief is granted, they are likely to be deprived of their properties.

6. Issue notice, returnable on 11.06.2026, High on Board. Learned AGPs waive notice on behalf of respondent No.1 – State.

7. In the meanwhile, *status quo* as on today, shall be maintained.

(SHREERAM V. SHIRSAT, J.)

(MANISH PITALE, J.)