



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.11448 OF 2025
WITH
INTERIM APPLICATION NO.11358 OF 2025
WITH
INTERIM APPLICATION (ST) NO.38230 OF 2025

Model Colony Co-Op Hsg Society
and Ors.

...Petitioners/Applicants

V/s.

Thane Municipal Corporation and Ors.

...Respondents

WITH
INTERIM APPLICATION (ST) NO.29588 OF 2025

Maki Homi Chilbber Nee Maki Modi

...Applicant

V/s.

Model Colony Co-Op Hsg Society
and Ors.

...Respondents

Mr.Vincet Naik (Sr.Advocate) i/b. S.Anchan, Advocate for Petitioners.
Mr.Anand Kulkarni, Advocate for Respondent Nos.1 and 2 – Thane
Municipal Corporation.

Mr.Amogh Singh a/w Ms.Anusha Amin, Advocates for Respondent
No.3.

Mr.Anish Karande a/w Mr.Kapil Gor and Mr.Satchit Gor i/b. Mr.Kapil
Gor, Advocates for Intervenors.

CORAM : M.S.KARNIK &
S. M. MODAK, JJ.
DATE : 17th MARCH 2026



P.C. :-

1. Heard learned Senior Advocate for the Petitioners and Mr.Singh for Respondent No.3-Developer in whose favour, the LOI has been issued. Shri.Naik assails the LOI issued in favour of the Respondent No.3 in this Petition.

2. Mr.Naik, learned Senior Advocate submitted that the representation is made to the Respondent Municipal Corporation for revoking / cancelling the LOI which was issued in favour of the Respondent No.3. Today, a copy of the letter 1st December 2025 is produced addressed to the architect of the Respondent No.3 that the LOI has been temporarily cancelled. We have inquired with the learned counsel for the Corporation as to the intent of issuing such a communication for temporarily staying the LOI. We fail to understand as to why the LOI issued in favour of Respondent No.3 should be temporarily cancelled when the representation made by the Petitioner is pending consideration before the Respondent No.2. Shri.Naik submitted that if the LOI is in fact cancelled, nothing survives in this Petition.

3. However, as pointed out by the learned counsel for the Corporation as well as Respondent No.3, that the hearing before the



Corporation on the representation of the Petitioners is ongoing. In such view of the matter, it would be appropriate, if the Respondent No.2 hears the Petitioners as well as Respondent No.3 and then takes an informed decision on the representation made by the Petitioners for cancellation of the LOI of Respondent No.3.

4. It is made clear that we have not made any observations on the merits of the respective contentions. The Petitioners as well as the Respondent No.3 to appear before the Respondent No.2 on 25th March 2026 at 11.00 a.m. whereupon it is open for the Respondent No.2 to fix a schedule of hearing. The representation to be decided within a period of 6 weeks from 25th March 2026 on its own merits and in accordance with law. The Intervenor i.e. the owner who claims to own the substantial part of the amount shall also be heard.

5. At the request of the Petitioners, leave to amend is granted. Amendment to be carried out within two weeks. All rights and contentions of the parties are kept open.

6. List this Petition for further consideration on **5th May 2026**.

(S. M. MODAK, J.)

(M. S. KARNIK, J.)