

HARSHADA H. SAWANT
(P.A.)

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

WRIT PETITION (L) NO.3175 OF 2026

Goregaon New Subhash Nagar CHSL .. Petitioner

Versus

Brihanmumbai Municipal Corporation (BMC)
and Anr.

.. Respondents

-
• Mr. Nikhil Wadiker, Advocate i/by Mr. Nandu Pawar for Petitioner.

.....
CORAM : MILIND N. JADHAV, J.

DATE : FEBRUARY 12, 2026

P.C.:

- 1.** Not on Board. Mentioned by way of filing praecipe dated 12.02.2026. Perused the praecipe.
- 2.** Heard Mr. Wadiker, learned Advocate for Petitioner.
- 3.** The impugned notice issued under Section 52 and Section 53 (1) of the Maharashtra Regional and Town Planning Act, 1966 (for short '**MRTP**') appended at Exhibit-A, page No.21 to Writ Petition *prima facie* does not disclose any precise reasons. It refers to appointment of Chief Executive Officer of Maharashtra Housing and Area Development Authority (for short '**MHADA**') as Enquiry Officer pursuant to remark dated 20.11.2025. The date of appointment of Enquiry Officer is stated to be 08.12.2025 therein. There is specific reference to report prepared by Enquiry Officer. Mr. Wadiker informs the Court that Petitioner has not been heard despite the said notice

calling upon Petitioner for hearing. He would submit that construction of twin towers both 22 storeys each has been completed after which notice has been received.

4. However this dereliction is not *prima facie* evident after reading the said notice save and except it states that the suit structure have been carried out without taking permission 'म्ह्याडामार्फत रितसर परवानगी न घेता'.

5. *Prima facie*, after perusal of documents which are appended and the plans which are infact sanctioned by MHADA are seen, the cause of action stated in the impugned notice appears to be completely incoherent.

6. That apart, whenever such notices are issued, it is incumbent upon MHADA or any Planning Authority to ensure that compliance of the due process of law is required to be followed by ensuring that every possible document held against the noticee is given to the noticee to meet the case against him.

7. Mr. Wadiker specifically informs the Court that concerned report referred to in paragraph No.3 of the notice has not been given. He would submit that this notice which is dated 14.01.2026 was received by Petitioner on 22.01.2026 and date for hearing was fixed on 16.01.2026.

8. *Prima facie*, this itself is a good ground for setting aside any action in furtherance of the notice.

9. However I am inclined to direct MHADA and Corporation to appear on the next adjourned date alongwith instructions to apprise the Court so that appropriate orders can be passed for disposing the Writ Petition and appropriate date of hearing can be fixed in accordance with law.

10. In the meanwhile it is directed that no coercive steps shall be taken against the Petitioner's structures by MHADA and the Corporation in furtherance of the impugned notice.

11. After Petition has been filed, order dated 04.02.2026 has been issued for demolition of the property / structures which are two newly constructed 22 storey towns.

12. *Prima facie* the impugned action is harsh. Nevertheless all further consequences and steps in furtherance of the impugned notice dated 14.01.2026 and order dated 04.02.2026 are immediately stayed by this Court. Order of demolition is also stayed.

13. No coercive steps shall be taken against Petitioner's construction in the meanwhile.

14. In view of the above, issue notice to Respondents.

15. Humdast permitted. In addition to Court's notice, Petitioner

is directed to serve the Respondents a copy of this order and copy of Writ Petition and inform about the next date of hearing by any permissible mode of service and file appropriate affidavit of service with tangible proof thereof.

16. Affidavit-in-Reply to the Writ Petition be filed on or before the next adjourned date.

17. Stand over to **17th February 2026**. To be listed under the caption '**For Directions - First on Board**'.

18. Praecipe is disposed.

H. H. SAWANT

[MILIND N. JADHAV, J.]

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by HARSHADA
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2026.02.12
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