

Pdp

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

**PUBLIC INTEREST LITIGATION NO. 1 OF 2023
WITH
INTERIM APPLICATION NO. 2420 OF 2021**

Mani Patel & Ors. .. Petitioners
Versus
Municipal Corporation of Greater
Mumbai & Ors. .. Respondents

**WITH
WRIT PETITION NO. 715 OF 2021**

Bandra Physical Culture Association .. Petitioner
Versus
State of Maharashtra & Ors. .. Respondents

Mr. Sarosh Bharucha with Mr. Priyank Kapadia, Ms. Anuja Jhunjunwala & Ms. Nidhi Singh i/by M. Mulla Associates for petitioner in PIL/1/2023.

Mr. Milind More, Addl. Govt. Pleader for respondent no.1 – State.

Ms. Oorja Dhond i/by Ms. Komal R. Punjabi for respondent nos.1 to 5 in PIL/1/2023 and for respondent nos.2 to 5 in WP/715/2021.

Mr. Kuber Wagle (Through V.C.) with Siddha Pamecha i/by Mr. Purazar Fouzdar for respondent no.6.

**CORAM: ALOK ARADHE, CJ. &
SANDEEP V. MARNE, J.**

DATE: 1st JULY, 2025

P.C.:

PIL/1/2023:

1. In this Public Interest Litigation, the petitioners have prayed for the following reliefs:

"(i) This Hon'ble Court be pleased to issue a writ of mandamus directing Respondent Nos.1 to 5 to terminate the Agreement dated 24th January 2006 executed by and between Respondent No.1 and Respondent No.6. Exhibit "A" to this Petition;

(ii) This Hon'ble Court be pleased to issue a writ of mandamus directing Respondent Nos.1 to 5 to take all steps in law including but not limited to demolishing structures used for residential purpose on the said Plot of land which is demarcated as a Recreational Ground under the Town Planning Scheme of MCGM;

(iii) This Hon'ble Court be pleased to issue a writ of mandamus directing Respondent Nos.1 to 5 to take all steps in law including but not limited to demolishing the illegal structures including the private gym constructed by Respondent No.7 and restore the said Plot at Respondent No.7's costs;

(iv) This Hon'ble Court be pleased to issue a writ of mandamus directing Respondent Nos.1 to 5 to initiate appropriate civil and criminal proceedings in accordance with law against Respondent No.6 and its trustees and persons in management of Respondent No.7 for illegal constructions carried out on the said Plot as demonstrated above;"

2. When the matter is called out today, learned counsel for the petitioners submits that the agreement dated 24th January 2006 has already been cancelled by the Municipal Corporation of Greater Mumbai (MCGM). It is further submitted that MCGM had taken action for demolition of the offending structure raised by respondent no.6. However, according to the petitioners, after the action was taken by the MCGM, once again respondent no.6 has allegedly raised construction on the subject land.

3. It is pertinent to note that the validity of action of handing over of the possession has been assailed by the

respondent no.6 in Writ Petition No. 715 of 2021 in which interim order has been granted.

4. So far as the main grievance of the petitioners in PIL is concerned, the same stands redressed. Now the validity of the action of MCGM in directing handing back of possession of the plot is subjudice in Writ Petition No. 715 of 2021, Therefore, in the facts and circumstances of the case, liberty is reserved to the MGCM to take action against the respondent no.6 subject to outcome of Writ Petition No. 715 of 2021. Further, the petitioners shall have the liberty to make an application for intervention in Writ Petition No. 715 of 2021.

5. Accordingly, the PIL is disposed of.

6. Interim Applications, if any, also stand disposed of.

WRIT PETITION NO. 715 OF 2021:

7. List the writ petition before the appropriate Bench as per roster.

(SANDEEP V. MARNE, J.)

(CHIEF JUSTICE)