

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

WRIT PETITION NO.2799 OF 2025

Makrand Yeshwant Sawant and Ors. ...Petitioners

V/s.

The State of Maharashtra and Ors. ...Respondents

Mr.V.Y.Sanglikar a/w Ms.Archana D. Gaware, Advocates for
Petitioners.

Smt.Vaishali Chaudhary, Addl.G.P. for Respondents-State.

Smt.Smita V. Tondwalkar, Advocate for Respondent No.2-BMC.

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

DATE : 16th MARCH 2026

P. C. :-

1. Heard learned counsel for the Petitioners.
2. The Petitioners were the tenants of the suit property comprising of building called as "*K.B.Lal Industrial Estate*" located on Final Plot No.17, Linking Road, Extension, Santacruz (West), Mumbai which has 37 units or galas located on ground, first and second floor, 12 each on the first and second floor.
3. In brief, it is the case of the Petitioners that the Respondent No.4 represented that the building is dilapidated. The Respondent No.4 claimed to be the owner of the building. It is submitted that it is on his

behest that the tenants were evicted and on the claims that the building is dilapidated, it is demolished. Now, the Respondent No.4 has taken a stand that he is not the owner of the building. Learned counsel for the Petitioners submits that their rights are to be protected. It is further submitted that since it is an open plot of land, there is every possibility of encroachment. The Collector is the owner of the land. The Collector, Mumbai Suburban District to ensure that the land is protected and if necessary, to put up a fence at the instance of the Petitioner, which the Petitioner is ready to bear. No redevelopment be carried out on the said land unless the interest of the Petitioners is safeguarded and without the leave of this Court. Till the next date, there shall be interim relief in terms of prayer clause (h).

4. Learned Addl.G.P. as well as learned counsel for the Corporation to file Affidavit-in-Reply within four weeks. Issue notice to the Respondents. Learned Addl.G.P. waives service for Respondent No.1-State and learned counsel waives service for Respondent No.2-Corporation. In addition to the Court notice, private notice is allowed.

5. List on **27th April 2026**.

(S. M. MODAK, J.)

(M. S. KARNIK, J.)