

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

WRIT PETITION NO. 2898 OF 2019

Rufus Gerard Dsouza ... Petitioner
Versus
The State of Maharashtra & Ors. ... Respondents

**WITH
SHOW CAUSE NOTICE NO. 33 OF 2019
IN
WRIT PETITION NO. 328 OF 2020
WITH
WRIT PETITION NO. 328 OF 2020
WITH
WRIT PETITION NO. 2973 OF 2019
WITH
WRIT PETITION NO. 800 OF 2021
WITH
SHOW CAUSE NOTICE NO. 34 OF 2019
IN
WRIT PETITION NO. 800 OF 2021**

Mr. Vinod P. Sangvikar a/w Mr. Shubham Sonawale for the
Petitioner in all Writ Petitions.

Mr. Milind More, Addl. G. P. for Respondent No.1-State in WP/
2898/2019.

Ms. Jyoti Chavan, Addl. G. P. for Respondent No.1-State in WP/
2973/2019.

Ms. Shital Malwankar, AGP for Respondent No.1-State in WP/
328/2020.

Ms. Vrushali Kabre, AGP for Respondent No.1-State in WP/
800/2021.

Mr. Anil Sakhare, Senior Advocate, a/w Mr. Rohit Gaikwad and
Mr. Pratik Jadhav for Respondent Nos.2 to 4-BMC in
WP/2898/2019, WP/2973/2019 and WP/800/2021 and for
Respondent Nos.2 and 3-BMC in WP/328/2020.

**CORAM : MANISH PITALE AND
SHREERAM V. SHIRSAT, JJ.**

DATE : 26th MARCH 2026

P.C. :

Writ Petition No. 2898 of 2019 :

- . This petition is listed along with a group of writ petitions.
2. The learned counsel representing the petitioner submits that the petitioner expired as far back as on 22nd January 2024. Copy of a death certificate issued from British Columbia, Canada, is tendered. The same is taken on record and marked 'X' for identification. The learned counsel for the petitioner submits that none has come forward to instruct him in the matter.
3. We also find that none of the legal representatives of the petitioner, if any, have made any effort to approach this Court in the context of Writ Petition No. 2898 of 2019.
4. In that view of the matter, writ petition is dismissed as having abated.

Writ Petition No. 2973 of 2019 :

5. The learned counsel for the petitioner submits that he is not receiving any instructions from the petitioner and that he shall take necessary steps to seek discharge. Necessary steps be taken within two weeks from today.
6. List this petition on **10th April 2026**.

Writ Petition Nos. 328 of 2020 and 800 of 2021 :

7. In both these petitions, the petitioner is one and the same person. The grievance of the petitioner pertains to his claim with regard to one residential and one commercial structure, which according to him were inappropriately demolished by the respondent-Corporation and in lieu of which he has not been given any alternative structures.

8. Mr. Sakhare, learned senior counsel, appearing for respondent-Corporation submits that for the commercial structure, the petitioner has been found eligible for an alternative structure, but for the residential structure, he is found ineligible. We are further informed that there is a scheme of filing appeal by an aggrieved person like the petitioner, as per the policy of the respondent-Corporation and that such appeal can be decided on its own merits.

9. The learned counsel for the petitioner, on the other hand, submits that even for the commercial structure that he was found eligible, till today no alternative structure has been offered. The learned senior counsel appearing for the respondent-Corporation submits that the petitioner can appear before the concerned officer, with regard to allotment of alternative structure in lieu of the commercial structure in respect of which he is found eligible. He further submits that instructions can be obtained as to whether the petitioner has availed of the remedy of appeal for the other structure and as to what was the fate of the same. We find that a

reply affidavit dated 2nd February 2019 filed on behalf of respondent-Corporation records that the petitioner indeed filed appeals and that the verification of documents was being undertaken, but since a large number of appeals have been filed, the process was taking some time. Considering the fact that the affidavit was filed as far back as in the year 2019, appropriate instructions may be taken with regard to the fate of the appeals filed by the petitioner.

10. In view of the above, we direct the petitioner to appear before the Mr. Vishal Koyare, Joint Engineer (Mobile No. 7385615189) of the respondent-Corporation on 1st April 206 at 11:00 a.m. The said Officer shall apprise the petitioner about the alternative structures available. We also expect the concerned officer of the respondent-Corporation to verify the status of the appeals filed by the petitioners and to apprise this Court on the next date of hearing.

11. List these petitions for further consideration on **8th April 2026**, under the caption 'for directions'.

(SHREERAM V. SHIRSAT, J.)

(MANISH PITALE, J.)