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

WRIT PETITION NO.1835 OF 2017

Janhit Association

.. Petitioner

Versus

The Municipal Corporation of Greater Mumbai
and Ors.

.. Respondents

Mr. G. T. Kanchanpurkar Advocate for the Petitioner.

Mr. Vijay Dighe a/w Mr.Aditray Mhaske, Advocate for Respondent
No.7.

**CORAM: SUMAN SHYAM &
FIRDOSH P. POONIWALLA, JJ.**

DATE: 6th MAY, 2026

P. C.

1. The basic complaint of the Petitioner in this Writ Petition is with regard to the unauthorised construction raised by the private Respondent on the public land which was not been demolished by the Respondent Corporation despite complaint being submitted by the Petitioner Association. From the reply filed by the Respondent on behalf of Corporation, it appears that the fact that the structures are unauthorised have been admitted and accordingly, Notice under section 55 of the MRTTP has also been issued.

However, what transpired thereafter, is not evident from the reply filed by the Corporation. If the Corporation is of the view that the construction is unauthorised and accordingly Notice under section 55 has also been issued, then, in that event, the Corporation will be under a legal obligation to take the same to its logical end by following the due process of law.

2. In view of the above, we are *prima facie* of the view that the Petitioner has succeeded in making out a good case on merit for issuance of further directions. However, at this stage, Mr.Vijay Dighe, the learned counsel for the Corporation has prayed for some time to obtain updated instruction. In view of the above, let this matter be listed again on 25th June 2026 so as to enable Mr.Vijay Dighe, the learned counsel for the Corporation to obtain written instructions from his clients. We make it clear that if any concrete instruction is not made available on the issue, on the next date, consequential orders will follow.

(FIRDOSH P. POONIWALLA, J.)

(SUMAN SHYAM, J.)