

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

INTERIM APPLICATION NO.3847 OF 2022

IN

WRIT PETITION (STAMP) NO.22551 OF 2022

Khan Bahadur Haji Amir Saheb Rais Trust, Mumbai .. Applicant-Intervenor

In the matter between

Siraj Ahmed Mushir Ahmed Khan

.. Petitioner

Vs.

The Mumbai Municipal Corporation of

Greater Mumbai and Anr.

.. Respondents

Mr. E.A. Sasi for the Applicant-Intervenor.

Mr. Uday Warunjikar, i/by Mr. Imtiyaz Patel, with Mr. G.B. Naik, for the
Petitioner.

Mrs. Pooja Yadav, i/by Mr. S.K. Sonawane, for the Respondents-MCGM.

**CORAM : SUNIL B. SHUKRE &
M.W. CHANDWANI, J.J.**

DATE : 9TH JANUARY, 2023.

P.C. :

1. Heard learned counsel for the parties.
2. The petitioner is a tenant in possession of one shop owned by the applicant-Trust. The petition has been filed by the tenant to question the legality or otherwise of the show cause notice issued to him by the respondent-Municipal Corporation. By the said show cause notice, the respondent-Municipal Corporation has called upon the tenant i.e. the petitioner to remove

the construction of shop in front of the existing commercial premises of the building in question, which the Municipal Corporation says to be unauthorized.

3. Thus, the dispute is about construction of a shop, which, in the opinion of the Municipal Corporation, is unauthorized although the petitioner submits that it is not so and thus the dispute is basically between the petitioner and the Municipal Corporation. Notice has not been issued to the landlord, who is seeking to intervene in the matter. In such a dispute, we do not think that the landlord can be permitted to intervene in the matter, otherwise the dispute will expand to a dispute between the landlord and tenant.

4. Interim Application is therefore rejected.

[M.W. CHANDWANI, J.]

[SUNIL B. SHUKRE, J.]