

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO.13849 OF 2024  
IN  
APPEAL FROM ORDER NO. 718 OF 2024**

M/S. Universal Tanneries  
Private Limited Thr. Dir.  
Dhananjay Shamrao Shinde  
v/s.

.. Appellant

Municipal Corporation Of  
Greater Mumbai And Another

.. Respondents

Mr. Pradeep M.Havnur a/w. Mr.S.S.Kharat for the Appellant.

Ms. Seena Rawade for the Respondent No.1-MCGM.

**CORAM : SHYAM C. CHANDAK, J.  
DATE : 17<sup>th</sup> OCTOBER, 2024.**

**P.C. :**

. The aforesaid Appeal from Order is taken out by the Appellant being aggrieved by the Order passed by the Bombay City Civil Court, Bombay in the Notice of Motion No.4227 of 2024 in L. C. Suit No.6101 of 2024 thereby refusing to grant ad-interim reliefs to the Appellant.

2) Heard. Perused the Interim Application No. 13849 of 2024.

3) The aforesaid Application is filed claiming that, the Respondents are interfering with the suit property which is in the Appellant's possession i.e. Plot No.194/C, Kalakilla, Shani Mandir, Near BMC School, Dharavi, Mumbai-400017. Further, the Respondents are

trying to take possession (illegal) of the suit property but without following due process of law.

4) Learned counsel for the Applicant submitted that the Applicant is occupying and enjoying the aforesaid property on lease basis ( Vacant Land Tenancy) granted by the Respondents. By notice dated 13<sup>th</sup> October 2020, and 4<sup>th</sup> November 2020, the Respondents allegedly cancelled the lease. Therefore, the Petitioner filed a Writ Petition (L) No.351 of 2022. In the said Writ Petition learned counsel for the Respondents agreed that only based on the termination notices, the BMC can not straight away proceed to evict the Petitioner. For this, the BMC will have to adopt and comply with the procedure prescribed in Chapter V-A, including in particular, Section 105-B of the MMC Act.

5) The learned counsel for the Appellant submits that, however, the Respondents are intending to proceed against the aforesaid property without following due process of law. Therefore, this is a fit case for grant of ad-interim relief in terms of prayer clause (a).

6) In this context, it is significant to note that in the said suit Appellant has not challenged the aforesaid notices thereby cancelling the lease, claiming that said notices are illegal and it be declared so. The impugned Order indicates that the Appellant has sub let the lease property, by doing construction thereon. Therefore, and for other reasons noted in the impugned order, at this stage ad-interim relief is not possible, till the filling of brief reply by the Respondents.

- 7) Issue notice to the Respondents. Learned counsel Ms. Rawade for the Respondents waives notice.
- 8) Respondents to file brief reply in the matter.
- 9) Stand over to **12<sup>th</sup> December 2024**.

**(SHYAM C. CHANDAK, J.)**

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