



Darshan Patil

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 2726 OF 2024**

Kardhar Jewellers and Ors. ...Petitioners
Versus
The Municipal Corporation of Greater Mumbai ...Respondents
and Ors.

**ALONG WITH
WRIT PETITION NO. 3011 OF 2024**

Ramesh R. Jain and Ors. ...Petitioners
Versus
The Municipal Corporation of Greater Mumbai ...Respondents
and Ors.

Ms. Mona Vyas, *for the Petitioners in both Writ Petitions.*
Ms. S. Tondwalkar, *for the Respondent BMC in both Writ Petitions.*
Mr. Milan Desai, *for Respondent No.5 in both Writ Petitions.*
Ms. Leena Shah a/w Mr. Shubham Mishra a/w Adv. A.W.
Tripathi i/b M/s. Shah and Furia Associates, *for Respondent No.6.*

**CORAM M.S. Sonak &
Kamal Khata, JJ.**
DATED: 19th June 2024

PC:-

1. Heard learned counsel for the parties.
2. The petitioners complain that the BMC demolished the structures which they were occupying after issuing notice under Section 354 of the Mumbai Municipal Corporation Act.
3. Ms. Vyas learned counsel for the petitioners submits that after such demolition, the fifth respondent who is the owner of the plot has put up several illegal constructions which are now used for commercial purposes. She submits that the petitioners' complaints to BMC have not been attended till date.
4. Mr. Desai learned counsel for the fifth respondent submits that he has no instructions.
5. From the photographs placed on record at least *prima facie*, the constructions do not appear to be authorised because normally BMC does not grant permission to put up these type of constructions. Photographs show that some of the constructions are used for commercial purposes. This situation can be perpetuated by the fifth respondent by requiring his counsel to attend Court without any instructions. Besides, even the BMC can not ignore such complaints and thereby facilitate the mushrooming of illegal construction and commercial activities through them.
6. Therefore, we place this matter on 21st June 2024 to enable the learned counsel for the fifth respondent to make a statement about whether the constructions have any valid licence from any of the authorities. If so, copies of such licences should be placed on record.

7. Similarly, even the BMC must inspect and report whether there is *prima facie* merit in the allegations made by the petitioners. The BMC must also report whether any other permissions have been granted for putting up these constructions.

8. Stand over to 21st June 2024 at 2.30 p.m.

(Kamal Khata, J)

(M.S. Sonak, J)