



Pradnya

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 ...Respondents  
Mumbai and ors.

WITH  
WRIT PETITION NO. 3011 OF 2024

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

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**Ms Mona Vyas**, *for the Petitioners in both Writ Petitions.*  
**Ms S. V. Tondwalkar**, *for the Respondent-BMC.*  
**Mr Amrut Joshi**, *a/w Ms Leena Shah i/b. M/s. Shah and*  
*Furia Associates, for Respondent No.6.*

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CORAM    **M.S. Sonak &**  
              **Kamal Khata, JJ.**  
DATED:    **3rd September 2024**

**PC:-**

1.    Heard learned counsel for the parties.

2. Ms Tondwalkar, learned counsel for BMC places on record a report confirming that the unauthorised construction is already removed/demolished by the 5th Respondent in each of these Petitions. This position is not even disputed by learned counsel for the Petitioners.

3. Accordingly, relief in terms of prayer clause (d) in both these Petitions stands worked out.

4. Learned counsel for the Petitioners submits that though the building in which they were residing has already been demolished, the landlords, have not redeveloped or reconstructed any building at the site. She states that the building was demolished on 15 November 2018 and for the last six years, there is no redevelopment or reconstruction by the landlords.

5. Learned counsel for the Petitioners, on instructions states that the Petitioners/tenants Association propose to apply to the BMC for permissions to reinstate by following the provisions of Section 499 of the Mumbai Municipal Corporation Act (“MMC Act”). If such an application is made, then, the BMC must consider such application in accordance with law and on its own merits. All contentions of all parties in this regard are kept open since we have not examined them.

6. With the above directions and after recording that relief in terms of prayer clause (d) in both these Petitions stands already worked out, we dispose of these Petitions.

7. There shall be no order for costs.

(Kamal Khata, J)

(M.S. Sonak, J)