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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

**APPEAL FROM ORDER NO. 261 OF 2023
WITH
INTERIM APPLICATION NO. 3511 OF 2023**

Smt. Vibhavari Pratap BaneAppellant

Vs.

Municipal Corporation of Greater MumbaiRespondents
and anr

**WITH
INTERIM APPLICATION NO. 6491 OF 2024**

Kannamwar Nagar Shree Krishna CHSLAppellant

Vs.

Shri. Ramesh Pukhraj PariharRespondent

**WITH
APPEAL FROM ORDER NO. 268 OF 2023
WITH
INTERIM APPLICATION NO. 3518 OF 2023**

Shri. Ramesh Pukhraj PariharAppellant

Vs.

Municipal Corporation of Greater MumbaiRespondents
and anr

**WITH
APPEAL FROM ORDER NO. 267 OF 2023
WITH
INTERIM APPLICATION NO. 3517 OF 2023**

Smt. Vibhavari Pratap Bane

.....Appellant

Vs.

Municipal Corporation of Greater Mumbai
and anr

.....Respondents

**WITH
APPEAL FROM ORDER NO. 266 OF 2023
WITH
INTERIM APPLICATION NO. 3516 OF 2023**

Godabai Govind Shinde

.....Appellant

Vs.

Municipal Corporation of Greater Mumbai
and anr

.....Respondents

**WITH
APPEAL FROM ORDER NO. 264 OF 2023
WITH
INTERIM APPLICATION NO. 3514 OF 2023**

Shri. Baddamilal Fathalal Jain

.....Appellant

Vs.

Municipal Corporation of Greater Mumbai
and anr

.....Respondents

**WITH
APPEAL FROM ORDER NO. 263 OF 2023
WITH
INTERIM APPLICATION NO. 3512 OF 2023**

Ramkishor Sharadprasad Jaiswal

.....Appellant

Vs.

Municipal Corporation of Greater Mumbai
and anr

.....Respondents

**WITH
APPEAL FROM ORDER NO. 316 OF 2023
WITH
INTERIM APPLICATION NO. 3981 OF 2023**

Shri. Jagaram Devaji ChaowdharyAppellant

Vs.

Municipal Corporation of Greater MumbaiRespondents
and anr

Mr. Pradeep J. Thorat i/b Ms. Aditi Naikare for the appellant
Mr. Drupad Patil a/w Mr. Om Suryawanshi for BMC
Mr. Shakeeb Shaikh a/w Mr. Ashraf a/w Mr. B. Parekh for the
intervener

CORAM : GAURI GODSE, J.

DATE : 11th AUGUST 2025

ORDER:

1. The society has filed an intervention application making a grievance that the structures belonging to these appellants are on footpath. Learned counsel for the intervener has tendered an order dated 7th July 2025 passed by the Division Bench of this Court in Writ Petition No. 1953 of 2025. He submits that Writ Petition No. 1953 of 2025 is filed as according to the society, there is an encroachment made on footpath and these appellants are encroachers.

2. These appeals arise out of rejection of interim relief in a

suit filed to challenge notice issued under Section 314 of The Mumbai Municipal Corporation Act, 1888 ('MMC Act').

3. These appellants rely upon the pitchcards issued by Maharashtra Housing and Area Development Authority ('MHADA') and they claim that they are occupying the structures since 1976. The appellants further contend that MHADA is accepting ground rent from them even today. The appellants, therefore, submit that there is no encroachment made by the appellants.

4. Learned counsel for the Corporation submits that the structures are on the footpath and hence, notices are issued under Section 314 of the MMC Act. He, however, seeks time to verify the decision of this Court interpreting the process to be followed while issuing notice under Section 314 of the MMC Act. He also seeks time to verify whether under the Development Plan, these lands are shown as footpath/road and whether the Corporation has taken any steps for utilizing the land for the reservation of the footpath/road.

5. Learned counsel for the Corporation further submits that he will verify the record and the decision of this Court to justify the action taken by the Corporation under Section 314 of the

MMC Act.

6. There is no dispute that the structures are standing on the layout of the MHADA and MHADA is accepting ground rent from these appellants.

7. At the request of the learned counsel for the Corporation, list these appeals on 25th August 2025.

8. To be listed under the same caption, high on board.

9. Ad-interim relief already granted shall continue to operate.

[GAURI GODSE, J.]