

MJ Jadhav

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
APPEAL FROM ORDER NO. 476 OF 2025
WITH
INTERIM APPLICATION NO. 11117 OF 2025
IN
APPEAL FROM ORDER NO. 476 OF 2025**

Pardeshi Chunnilal Prajapati ... Appellant

Vs.

Municipal Corporation For Greater Mumbai ... Respondents
And Another

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**AND
APPEAL FROM ORDER NO. 477 OF 2025
WITH
INTERIM APPLICATION NO. 11118 OF 2025
IN
APPEAL FROM ORDER NO. 477 OF 2025**

Mohd. Abdullah Mohammad ... Appellant

Vs.

Municipal Corporation For Greater Mumbai ... Respondents
And Another

Mr. Induprakash Tripathi i/b C. K. Tripathi for the Appellants in both the Appeals.

Mr. Chaitanya Chavan a/w Neeta Jadhav i/b Komal Punjabi for Respondent-BMC in AO/476/2025.

Ms. Neeta Jadhav i/b Komal Punjabi for Respondent-BMC in AO/477/2025.

Mr. Rajesh K. Jangam, Senior Inspector Licence, H/W, Present.

Mr. Deepak Gholam, Asst. Engineer (Maint.) H/W, Present.

Mr. Dnyandip Kasavkar, Road Engineer, H/W, Present.

Mr. Pawan Kotekar, Licence Inspector, H/W, Present.

CORAM : GAURI GODSE, J.

DATED : 3rd SEPTEMBER 2025

ORDER:

1. Heard learned counsel for the appellants and the respondent-corporation. These appeals arise out of refusal to grant ad-interim relief to the respective plaintiffs. The suits are filed to challenge the notice issued by the respondent-corporation granting 48 hours to the appellants to shift their respective structures. There is no dispute that the appellants are license holders of the structures under Section 313 of the Mumbai Municipal Corporation Act, 1888 ('MMC Act'). Hence, it is the appellants' contention that notice impugned in the suit is illegal and not in accordance with law prescribed for taking action under Section 314 of the MMC Act.

2. Learned counsel for the appellants submits that in the Appeal From Order No. 476 of 2025, the concerned officer of the corporation forcibly disconnected the electricity and removed the motor of the sugarcane crushing machine installed in the appellant's structure. He submits that in the Appeal From Order No. 477 of 2025, the officers of the corporation forcibly disconnected the electricity connection of the structure.

3. In view of these grievances, learned counsel for the

corporation was granted time to file affidavit-in-reply and seek instructions on the aforesaid grievances. In the meantime, by order dated 14th August 2025, the structures were protected by directing the corporation not to take any coercive action.

4. Learned counsel for the corporation on instructions of the officers who are present in the Court submits that the notice impugned in both the suits shall be treated as show cause notices and the officers are agreeable to consider the reply by the appellants and give hearing to the appellants before taking any action as contemplated under Section 314 of the MMC Act.

5. Learned counsel for the appellants submits that the appellants shall file their reply within two weeks from today. He however submits that in the meantime, the appellants' structures be protected.

6. Considering the aforesaid submissions, nothing would further survive in the suit and this appeal. Learned counsel for the appellants therefore seeks leave to withdraw the suits with liberty to file reply to the notice impugned in the suits.

7. Both the appeal from order are, therefore, disposed of by passing the following order:

ORDER

- (i) The respective notice dated 31st July 2025 issued to both the appellants shall be treated as a show cause notice for taking action as contemplated under Section 314 of the MMC Act.
- (ii) The appellants shall file their reply with the corporation within two weeks from today.
- (iii) The concerned officers of the corporation are at liberty to proceed after considering the reply by following the prescribed procedure under Section 314 of the MMC Act.
- (iv) The statement made on behalf of the corporation that appropriate reply of the appellants shall be considered and hearing shall be given to the appellants before taking further action is accepted as an assurance to this Court. The officers shall intimate the appellants regarding the date of hearing after the reply is filed by the appellants.
- (v) Till a decision is taken pursuant to the notice dated 31st July 2025, no coercive action shall be taken against the appellants. If the final decision is adverse to the appellants, the same shall not be implemented for a period of two weeks from the date of communication of the decision to the appellants in writing.

(vi) The statement made on behalf of the respondent-Corporation that the electricity supply and the motor of the sugarcane crushing machine of the appellant in the Appeal From Order No.476 of 2025 shall be restored, is accepted as an undertaking to this Court. Necessary compliance of the statement shall be made within 48 hours from today.

(vii) The statement made on behalf of the corporation that the electricity supply of the appellant in the Appeal From Order No.477 of 2025 shall be restored is accepted as an undertaking to this Court. Necessary compliance shall be made within 48 hours from today.

(viii) The respective appellants are permitted to withdraw their respective suits.

(ix) All the rival contentions of the parties on merits are kept open.

8. The Appeals are disposed of in aforesaid terms.

9. In view of the disposal of the appeals, interim applications are disposed of as infructuous.

(GAURI GODSE, J.)