IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 1936 OF 2024

Mangesh Gulab Abinave & Ors. .....Petitioners

Vs.

Municipal Corporation of
Greater Mumbai & Ors. .....Respondents

Adv. Rajan K. Kakkara i/by Aarkey Legal for the Petitioners.
Ms. Pushpa Yadav for the Respondent No.1-BMC.
Ms. Nazia Sheikh AGP, for the Respondent No.2-State.
Mr. Abhishek Deshmukh for the Respondent No.3.
Ms. Minal Chandnani a/w Adv. Jairam Chandnani, through V.C. i/by Lexim Associates for the Respondent No.5.
Mr. Yogesh Vijay Patil i/by Mr. Abhijit M. Patil for Respondent No.6-SRA.

CORAM : A. S. GADKARI AND
KAMAL KHATA, JJ.
DATE : 2nd MAY, 2025.

P.C.:-

1) It is the settled position of the law that, the Petitioners being tenants, have no legal right to challenge Notice under Sections 351 and 354 of the Mumbai Municipal Corporation Act. It is the right of the landlord as has been held at least in three decisions by this Court. Therefore, prayer clauses (a) and (c) of the Petition are not maintainable and cannot be granted.

2) Facing with the said difficulty, learned counsel for the Petitioners seeks leave to withdraw the Petition with liberty to file a fresh Petition for the cause of action as mentioned in the prayer clause (b) of the Petition.

2.1) Leave and liberty granted.

3) Disposed off as withdrawn with aforesaid liberty.

(KAMAL KHATA, J.) (A.S. GADKARI, J.)

SANJIV SHARNAPPA MASHALKAR
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Date: 2025.05.15 12:13:51 +0530