

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 584 OF 2025

Lila W/o Vishnu Vaity & Anr. ... Petitioner.
V/s.

State of Maharashtra & Ors. ... Respondents.

Mr. Hemant Ghadigaonkar, Advocate for Petitioners.

Mr. Vrushali Kabre, AGP for Respondent/State.

Ms. Rutuja Bodake i/b. Komal Punjabi, Advocate for Respondent-BMC.

Mr. Bhojane, AE I/C of 'T' Ward. B & F Department present in court.

CORAM : RAVINDRA V. GHUGE AND
ASHWIN D. BHOBE, JJ.

DATE : 16th DECEMBER, 2025

P.C. :

1. The Petitioners have prayed that a purported illegal structure of Ground + 4 Floors erected by Respondent No. 4 on their plot without obtaining sanction or approved plan, should be demolished by the Corporation. It is further prayed that a departmental enquiry be initiated against Respondent No. 3 who is the Assistant Municipal Commissioner.

2. We find that a Civil Suit was pending between the parties

initiated by Respondent No. 5, who is the Secretary of the Society, against these two Petitioners. The Notice of Motion No. 3337 of 2017 suffered an order dated 14.10.2019 and the Notice of Motion was dismissed. An Appeal from Order Stamp No. 28731 of 2019 was preferred before this Court which was dismissed for default.

3. The Petitioners were before this Court earlier in Writ Petition No. 2131 of 2015. In the order dated 10.7.2017, this Court recorded as under :

“1 Heard the learned counsel appearing for the petitioners, the learned counsel appearing for the first respondent and the learned Senior Counsel appearing for the second and third respondents. Perused affidavit of Shri Vijay Singhal, Additional Municipal Commissioner (Eastern Suburb) of the Mumbai Municipal Corporation. The affidavit records that further action of demolition has been already taken by making the building inhabitable. The photographs have been annexed to the said affidavit as Exhibit – A.

2 We have perused the said photographs. The photographs are of the year 2015 and 2016. However, in the affidavit of Shri Vijay Singhal the following statements have been made:

“I say that the complete demolition of the said structure of Ground + 4 upper Floors will be carried out within a period of eight weeks by taking appropriate steps to secure the adjoining structures.”

3 The said statement is accepted as undertaking of the Mumbai Municipal Corporation. In view of the aforesaid statement, at this stage, it is not necessary to entertain this Petition. By accepting the aforesaid undertaking, the Petition is

disposed of.

4 In the event, there is noncompliance by the Mumbai Municipal Corporation, it will be open for the petitioners to file a fresh Petition.”

4. The learned Advocate for the Corporation submits on the basis of the written instructions that after the Corporation gave an undertaking to this Court that steps would be initiated for demolition of the property, the demolition was initially carried out on 28.1.2015 and 27.2.2015. Thereafter, because the occupants once again started constructing, the demolition was carried out on 14.7.2016 and 29.7.2016 of the part of the inner and outer walls and the RCC slabs which were punctured.

5. The G Plus 4 floor building is surrounded by residential structures and huts and has a narrow access. Hence, full demolition of G Plus 4 floor building could not be carried out. E-Tender was floated on 19.7.2017, opened on 27.7.2017 and work order was issued to a bidder on 4.8.2017, who started the demolition from 5.8.2017 till 24.8.2017. As the party approached this Court, further demolition was stopped. On a Notice of Motion, the City Civil Court protected the occupants who were raising the offending structure. The Notice of Motion No. 3330 of 2017 was dismissed on 14.10.2019. The Corporation will initiate appropriate

steps for demolition by following due procedure laid down in law and would also protect the surrounding constructions occupied by the residents.

6. In view of the above, and by recording the statement of the learned Advocate for the Corporation made on written instructions, this **Writ Petition is disposed off.**

7. Needless to state, if there is a battle for right, title and interest over the property between the private individuals, the Petitioner or any stake holder is at liberty to avail of the remedy by approaching the Civil Court for crystallising their rights.

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)