

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION NO. 3011 OF 2025

Rajendra Mohanlal Bhargav

...Petitioner

Versus

Municipal Corporation of Greater Mumbai
And Anr.

...Respondents

Mr. Pradeep J. Thorat i/b Ms. Aditi S. Naikare, Advocate for the
Petitioner.

Mr. S. V. Tondwalker i/b Ms. Komal Punjabi, Advocate for the
Respondent-BMC.

Mr. Sanjay Sambare, Designated Officer, R/N Ward, BMC is present in
the Court.

**CORAM : RAVINDRA V. GHUGE &
ASHWIN D. BHOBE, JJ.**

DATE : 22nd SEPTEMBER, 2025.

P.C. :

1. The Petitioner has issued a legal notice to the Municipal Commissioner on 8th April, 2025. In the last paragraph, it is stated that the said notice be treated as a 'pre-requisite notice as required under Section 80 of the Civil Procedure Code, 1908 (CPC)', for claiming damages from MCGM.

2. The learned Advocate for the Municipal Corporation has placed on record a communication dated 22nd September, 2025, received by her today, under the signature of the Designated

Officer, R/North Ward. A photostat copy of the said communication is marked as 'X' for identification. A reference to the present case is made and the learned Advocate is informed that the Court be apprised that a notice was initially issued under Section 353B of the Mumbai Municipal Corporation Act, 1888 (MMC Act). Thereafter the Technical Advisory Committee inspected the site on 24th October, 2024. The Committee declared the building as falling in C-1 Category, i.e. to be evacuated and demolished immediately. Thereafter, a notice under Section 354 of the MMC Act was issued to the Chairman/Secretary/Owner/Occupier to get the building vacated and pull down the dilapidated building known as "Om Jagannath Apartment CHSL" within 7 days. The Water and Electricity connections were discontinued on 6th February, 2025. It is specifically stated that the office of Municipal Corporation was not instrumental in demolishing the building. It was demolished by the society.

3. We find that there are disputed questions. It is the contention of the Petitioner that the Municipal Corporation demolished his 148 sq.ft. shop, which he was using as a flour mill (पिठाची गिरणी). It is averred in the Petition that the said structure was not a part of the building and was positioned in the corner of

compound surrounding the building.

4. In view of the above, with liberty to the Petitioner to avail of the remedy of approaching the Civil Court, for which a notice under Section 80 of the CPC has also been issued, **this Petition is not being entertained and the same is disposed off.**

[ASHWIN D. BHOBE, J.]

[RAVINDRA V. GHUGE, J.]

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