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

WRIT PETITION NO. 4801 OF 2025

Marinette Co-operative Housing
Society Ltd. & Anr. ... Petitioners

Versus

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

Mr. Vishwajeet Sawant, Senior Advocate a/w Mr. Samsher Garud, Mr.
Rohit Jain i/b Jayakar and Partners, for Petitioners.

Ms. Rutuja Bodke i/b Ms. Komal Punjabi, for Respondent – BMC.

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

DATE : 22nd DECEMBER, 2025

P.C. :

1. When we heard this matter on 18th & 19th December, 2025, we made it clear to the Petitioner that the portion of the structure which cannot be regularized, will have to be demolished by the Petitioner at its own costs or suffer consequences.

2. The Petitioner tendered an affidavit dated 18.12.2025, (original form) at page Nos. 52 & 53. It is stated in the affidavit that if the Corporation provides the documents, the Petitioners would appoint an architect and apply for regularization under Section 44 of the MRTP Act. The Application would be as per the current prevailing

Development Control Rules and Regulations. If a reasoned order is passed, the Petitioner will not seek any protection except in accordance with law.

3. The learned Advocate for the Corporation submits, on instructions, that today, a colour photostat copy of the plan and photostat copy of the complaint is being handed over to the learned Senior Advocate for Petitioner. Copies of the said documents are tendered to the Court. The colour copy of the map is marked as '**X-1**' and the photostat copy of the complaint is marked as '**X-2**', for identification.

4. The learned Senior Advocate is instructed to say that an Application for regularization in terms of the Rules would be filed within 30 days.

5. The learned Advocate for the Corporation submits that the said Application would be decided within 30 days from the date of receipt.

6. In view of the above, **this Petition is disposed off** by recording the statements made as above, with the further directions as under :-

(a) Portion of the structure, which legally cannot be regularized, would be demolished by the Petitioner at their own cost or suffer the consequences of demolition by the Corporation.

(b) After the Application for regularization is made within 30 days from today, the Corporation would decide the same in accordance with law within 30 days thereafter.

(c) The decision of the Corporation would be communicated to the Petitioners within 48 hours of the decision of the Corporation on the following e-mail id which the Petitioners have tendered to the Court:

[“altafsheikh9600@gmail.com](mailto:altafsheikh9600@gmail.com)
sgarud210@gmail.com
[shanawaz82@gmail.com”](mailto:shanawaz82@gmail.com)

7. Until the decision, the impugned notice would not be given effect to. If the Application for regularization is tendered with any deficiencies or is incomplete and / or is not filed within the time frame granted, the Corporation would be at liberty to act in terms of the impugned notice which is kept in abeyance, in accordance with law.

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)