

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO.394 OF 2025
WITH
CONTEMPT PETITION NO.718 OF 2025
IN
APPEAL FROM ORDER NO.394 OF 2025
WITH
INTERIM APPLICATION NO.187 OF 2026
IN
APPEAL FROM ORDER NO.394 OF 2025
WITH
INTERIM APPLICATION NO.9792 OF 2025
IN
APPEAL FROM ORDER NO.394 OF 2025

Anant Sakharam Bhoir and Others

.. Appellants

Versus

State Of Maharashtra and Others

.. Respondents

.....

- Mr. Sandeep Mishra a/w. Ms. Madhura Mulay, Advocates for Appellants.
- Mr. D. J. Haldankar, AGP for Respondent No.1.
- Mr. Surel Shah, Senior Advocate i/by Ms. Chaitrali Deshmukh for Respondent Nos.4 and 5.

.....

CORAM : MILIND N. JADHAV, J.

DATE : JANUARY 29, 2026

P.C.:

1. Heard Mr. Mishra, learned Advocate for Appellants; Mr. Haldankar, learned AGP for Respondent No.1 and Mr. Shah, learned Senior Advocate for Respondent Nos.4 and 5.

2. Though the present proceedings pertain to suit structure which has already been demolished by Corporation pursuant to action

taken by Corporation, Mr. Shah informs the Court that in respect of the other structures of Appellants wherein Appellants claim to be residing pursuant to issuance of notice dated 14.11.2025 under Section 260 of the Mumbai Municipal Corporation Act, 1888 to the Appellants, personal hearing was granted by Designated Officer and by reasoned order dated 20.01.2026, the Designated Officer has directed Appellants to remove the notice structure within a period of 15 days thereafter. Mr. Mishra intends to challenge the same.

3. Mr. Mishra would contend that there are substantial and several disputed questions of facts, *inter alia*, with respect to entitlement and right of payment to occupy the notice structure.

4. Be that as it may, one thing is *prima facie* clear that the land on which Appellants claim to have his structures are subject matter of Appeal before me as also notice structures which are subject matter of order dated 20.01.2026 and they all are standing on Government / Municipal land.

5. I have impressed upon Mr. Mishra that when any litigant claims entitlement *qua* structures standing on Government / Municipal land it is incumbent upon the litigant in the first instance to show his source of acquisition of land and structures through legal means and his entitlement to reside in them on Government / Municipal land.

6. Mr. Mishra would submit that substantial suit has been filed by Appellants in respect of the entire land i.e. Government land and including private land comprised in certain survey numbers by Appellants in the Civil Court on the ground of claiming entitlement through adverse possession. That suit is pending.

7. In that Suit, Exhibit-5 has been rejected leading to file of present Appeal from Order. I have made it clear as alluded to hereinabove that the issue, *inter alia*, pertains to the suit structures.

8. Considering the pendency of substantive suit which has been filed by Appellants – Plaintiffs, *prima facie* they are not in a position to show any material leading to entitlement of Plaintiffs.

9. Mr. Mishra would persuade me to allow him to make one more attempt to persuade the Court on the next adjourned date by referring to and relying upon various documentary evidence in support of Plaintiffs' case. He would submit that he would demonstrate and satisfy the Court to the extent of entitlement and liability.

10. One final opportunity is given to Appellants to satisfy the Court failing which appropriate orders will be passed by this Court in accordance with law.

11. Stand over to 05th February, 2026 at 03:00 p.m. To be treated as 'Part-Heard'.

H. H. SAWANT

[MILIND N. JADHAV, J.]

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