

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER (ST) NO. 6144 OF 2025
WITH
INTERIM APPLICATION (ST) NO. 6147 OF 2025
WITH
INTERIM APPLICATION (ST) NO. 6148 OF 2025
IN
APPEAL FROM ORDER (ST) NO. 6144 OF 2025

Shaikh Arifahmed Abdul Kader	...	Appellant
V/s.		
Mumbai Metropolitan Regional Development Authority	...	Respondent

WITH
APPEAL FROM ORDER (ST) NO. 6149 OF 2025
WITH
INTERIM APPLICATION (ST) NO. 6151 OF 2025
WITH
INTERIM APPLICATION NO. 6150 OF 2025
IN
APPEAL FROM ORDER (ST) NO. 6149 OF 2025
WITH
APPEAL FROM ORDER (ST) NO. 6153 OF 2025
WITH
INTERIM APPLICATION (ST) NO. 6156 OF 2025
WITH
INTERIM APPLICATION (ST) NO. 6154 OF 2025
IN
APPEAL FROM ORDER (ST) NO. 6153 OF 2025
WITH
APPEAL FROM ORDER NO. 399 OF 2025
WITH
INTERIM APPLICATION NO. 9946 OF 2025
IN
APPEAL FROM ORDER NO. 399 OF 2025

WITH
APPEAL FROM ORDER NO. 400 OF 2025
WITH
INTERIM APPLICATION NO. 9948 OF 2025
IN
APPEAL FROM ORDER NO. 400 OF 2025
WITH
APPEAL FROM ORDER NO. 401 OF 2025
WITH
INTERIM APPLICATION NO. 9951 OF 2025
IN
APPEAL FROM ORDER NO. 401 OF 2025

Mr. Shailesh Shah, Senior Advocate a/w Mr. Irshad Shariff, Mr. Suhail Shariff and Ms. Revaa Kadam i/b Falcon Legal for the Appellant.

Mr. Akshay P. Shinde for the Respondent - MMRDA.

Mr. Sachin Vajale a/w Ms. Neeta Jadhav i/b Ms. Komal Punjabi for the Respondent - MCGM.

CORAM : FARHAN P. DUBASH, J.

DATE : 28th APRIL 2026

P.C.:

1. By consent of parties, the Appeals are taken up for final hearing at the stage of admission.
2. The present 6 Appeals challenge 6 separate orders, all dated 24th February 2025 (*impugned order*) passed by the Trial Court in 6 separate Notices of Motion taken out by 6 separate Appellants/original Plaintiffs in the Trial Court in 6 separate suits filed in/about 2025 *inter alia* seeking ad-interim protective reliefs against and challenging a

common notice dated 8th November 2023 (*said notice*) issued by the Respondent/original Defendant/Mumbai Metropolitan Region Development Authority (*MMRDA*) under Section 55 of the Maharashtra Regional and Town Planning Act, 1966 (*said Act*) in respect of unauthorized construction in separate residential flats of 24 flat owners of Universal Garden building, A-Wing, situated on Sufi Sayyed Kamal Road, Amrut Nagar, Jogeshwari (W), Mumbai 400102 (*suit flat*). By the impugned order passed on 24th February 2025, the Trial Court declined ad-interim relief to the Appellants/Original Plaintiffs and directed parties to complete the pleadings in the said Notices of Motion.

3. In addition to these 6 suits (in which the impugned orders have been passed), 12 other flat purchasers (out of the 24 flat purchasers to whom the said notice was issued by MMRDA) had also approached the Trial Court, prior thereto, in/around 2023, seeking similar reliefs, as sought by their 6 neighbors. The Trial Court passed an order dated 20th August 2024 dismissing each of the 12 Notices of Motion preferred by them by a detailed and reasoned order. This order was challenged by the said 12 flat purchasers who have filed 12 separate Appeals before this Court. All 18 flat purchasers (12 + 6 = 18) Appellants are represented by the same set of advocates and counsel before this Court. The Respondent/MMRDA is also represented by the same set of

advocates and counsel. Accordingly, with the consent of parties, all 18 Appeals have been heard together.

4. By a detailed/reasoned order of today's date, this Court has separately dealt with and dismissed the said 12 Appeals. The impugned order passed in the present case (in 6 Appeals) is based on and in effect, follows the reasoning recorded in the order dated 20th August 2024. All 18 suits filed before the Trial Court impugn the (very same) said notice. Thus, in the impugned order passed in the present 6 Appeals, the Trial Court recorded a finding that the Appellants had failed to produce any documents which established the authenticity of the notice structure. Similarly, the Trial Court also recorded a finding that Appellants had failed to meet and fulfil the three-pronged test required to be satisfied by a party who approaches the Court and seeks interim reliefs, namely, prima facie case, balance of convenience and irreparable loss.
5. The same findings were made and recorded by the Trial Court in its detailed and reasoned order dated 20th August 2024 which was passed after the pleadings in the said 12 Notices of Motion were completed. Hence, since the challenge to the said order dated 20th August 2024 has already been dealt with and negated by this Court in a separate order of today's date passed in the said 12 Appeals, it is not advisable

to reproduce the same in the present order. Instead, this Court directs that the reasoning and findings in the said order of today's date, be read and treated as forming part of this order. This is moreso since the arguments of both parties in the present 6 Appeals is the same as their arguments in the said 12 Appeals.

6. Accordingly, I am of the view that the impugned order does not warrant any interference and the present Appeals are without any merit. They are accordingly, disposed of. All pending Interim Applications taken out in the present Appeals from Order, if any, also stand disposed of in terms of this order, and all interim orders passed therein, if any, also stand vacated.
7. After this order was dictated in open Court, the Appellants seek a stay of this order since they are desirous of testing the same in appeal. They further contend that notwithstanding the submissions of the Respondent/MMRDA to the contrary, the notice structures are capable of being regularized, and they inform this Court that they would prefer an application to that effect before the appropriate Competent Authority. If such application is preferred, the same shall be appropriately dealt with and disposed of by the Authority, in accordance with law, as expeditiously as possible, and in any event, within a period of 4 weeks from the date on which it is made.

Considering the above, the present order is stayed for a period of 6 weeks from the date it is uploaded on the website of this Court.

(FARHAN P. DUBASH, J.)

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