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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO. 333 OF 2025
WITH
INTERIM APPLICATION NO. 13488 OF 2025
WITH
INTERIM APPLICATION NO. 8599 OF 2025
IN
APPEAL FROM ORDER NO. 333 OF 2025

Anita Ashok Mapuskar .. Appellant
Versus
Municipal Corporation of Greater of Mumbai &
Anr. .. Respondents

WITH
APPEAL FROM ORDER NO. 334 OF 2025
WITH
INTERIM APPLICATION (ST) NO. 37307 OF 2025
WITH
INTERIM APPLICATION NO. 8601 OF 2025
IN
APPEAL FROM ORDER NO. 334 OF 2025

Amol Pandharinath Vedak .. Appellant
Versus
Municipal Corporation of Greater of Mumbai &
Anr. .. Respondents

WITH
APPEAL FROM ORDER NO. 335 OF 2025
WITH
INTERIM APPLICATION NO. 13489 OF 2025
WITH
INTERIM APPLICATION NO. 8603 OF 2025
IN
APPEAL FROM ORDER NO. 335 OF 2025

Manik Gajanan Thakur .. Appellant
Versus
Municipal Corporation of Greater of Mumbai &
Anr. .. Respondents

WITH
APPEAL FROM ORDER NO. 336 OF 2025
WITH
INTERIM APPLICATION NO. 13490 OF 2025
WITH
INTERIM APPLICATION NO. 8604 OF 2025
IN
APPEAL FROM ORDER NO. 336 OF 2025

Rajkumar Gamandas Ramchandani .. Appellant
Versus
Municipal Corporation of Greater of Mumbai &
Anr. .. Respondents

WITH
APPEAL FROM ORDER NO. 337 OF 2025
WITH
INTERIM APPLICATION NO. 13491 OF 2025
WITH
INTERIM APPLICATION NO. 8607 OF 2025
IN
APPEAL FROM ORDER NO. 337 OF 2025

Pushpalata Pandurang Ale .. Appellant
Versus
Municipal Corporation of Greater of Mumbai &
Anr. .. Respondents

WITH
APPEAL FROM ORDER NO. 338 OF 2025
WITH
INTERIM APPLICATION NO. 13492 OF 2025
WITH
INTERIM APPLICATION NO. 8610 OF 2025
IN
APPEAL FROM ORDER NO. 338 OF 2025

Sudhir Sambhaji Jadhav .. Appellant
Versus
Municipal Corporation of Greater of Mumbai &
Anr. .. Respondents

-
- Mr. Amit Ashok Gharte, Advocate for Appellants / Applicants.
 - Mr. Sachin Vajale, Advocate i/by Ms. Komal Punjabi for the BMC.
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CORAM : MILIND N. JADHAV, J.
RESERVED ON : DECEMBER 15, 2025.
PRONOUNCED ON : JANUARY 05, 2026.

JUDGMENT:

1. Heard Mr. Gharte, learned Advocate for Appellants / Applicants and Mr. Vajale, learned Advocate for Respondents – BMC.

2. This is a group of six cases namely Appeals From Order which are challenging separate identical orders all dated 19.05.2025 passed by the Trial Court. They are ad-interim orders passed in Notice of Motion filed by Plaintiffs / Appellants before the Trial Court on consideration of the case made out by Plaintiffs in the Suit plaint.

3. Plaintiffs have challenged legality of statutory notices issued under Section 53 of the Maharashtra Regional and Town Planning Act, 1966 (for short '**MRTP Act**') by the Corporation *qua* their structures. Identical notices have been issued which are all dated 15.03.2025, copies of which are appended at Exhibit 'U' to the Appeal From Order. The impugned notices are issued under Section 53(1) read with Section 52(1)(h) and (d) of the MRTP Act. The notices have been replied to by all Plaintiffs on 27.03.2025 separately. Pursuant to this Designated Officer of the Corporation has passed a speaking order dated 29.04.2025. The speaking order is appended at Exhibit 'W' – page No.171 to the Appeal From Order in Appeal From Order No.333 of 2025. *Prima facie*, perusal of the speaking order reveals that without

hearing the Plaintiffs, the speaking order has been passed by the Designated Officer, Ward 'T' of the Corporation. It is also seen that the reply given by Plaintiffs to the impugned notice has not even been considered by the Designated Officer since the speaking order is *prima facie* sans without reasons.

4. Be that as it may, Plaintiffs being aggrieved have filed the Suit proceedings on the premise that the impugned action initiated by the Corporation is at the behest of the landlord of the suit property who is a Developer. Common identical grounds have been pleaded by Plaintiffs in all Suit proceedings, *inter alia*, stating that the notice structures have been in existence since prior to 1962 and Plaintiffs and/or their predecessors-in-title have been in possession and occupation of the notice structures since then. The notice structures in all six cases are residential rooms ad-measuring between 100 square feet to 200 square feet as belonging to and in occupation of Plaintiffs and their families situated in Rakhmabai Mhatre Chawl built by the Mhatre family, the erstwhile landlord of the said property prior to 2013.

5. After hearing Plaintiffs and perusing the record, on 01.12.2025 the following order was passed and the matters were posted for hearing to 15.12.2025 after directing the Municipal Corporation to file its Affidavit-in-Reply to the case of Plaintiffs made

out in the Appeal From Order and Interim Application. For reference and convenience, the order dated 01.12.2025 is reproduced below:-

“1. I have heard Mr. Gharte, the learned counsel appearing on behalf of the Appellants and Mr. Vajale, learned Advocate for the BMC.

2. I have considered the facts of the present five Appeal from Orders before me. One of the Appeal from Order is not listed on board today that Appeal from Order is Appeal from Order No. 334 of 2025. The Appellant is Amol Pandrinath Vedak therein. It is taken on record and heard today. All six Appeal from Orders are on the same footing.

3. It is seen that the Appellants are plaintiffs before the Trial Court and are aggrieved with the ad-interim order dated 19/05/2025 which is prima facie identically passed in all the six suits. Hence, they have approached this Court. The appellants were protected by ad-interim relief granted by this Court which was extended from time to time thereafter. Today, Mr. Gharte has taken me through the record of the case. Since all six Appeal from Orders are identical, the facts in one of the Appeal from Order namely the lead Appeal from Order i.e. Appeal from Order No. 333 of 2025, filed by Anita Ashok Mapuskar are referred to for the sake of reference and convenience. Every document rather all documents referred to and relied upon by the plaintiffs – appellants in support of their case are identical. The impugned action of the Corporation begins with issues of issuance of notice under Section 53 (1A) which is dated 15/03/2025 in all six cases. Issuance of such a notice prima facie envisages that structures of the appellants are unauthorised and what at all the Corporation seeks are sanctioned plan for the said structures.

4. The designated officer of the Corporation has heard the plaintiffs and passed the impugned order dated 29/04/2025 in all six cases rejecting the case of Appellants-Plaintiffs. To challenge the said order, the plaintiffs have rushed to the Court. The Court is the last -bastion of the aggrieved parties when there is no other option available to them in law when parties fear that the roof over their head is taken away. By virtue of the impugned order, which is an ad-interim order protection has been refused to the plaintiffs/appellants on 19/05/2025.

5. It is seen from the record that the six appellants before me are residents of one Rakhmabai Chawl situated at Mithanagar, Mulund (East), Mumbai in respect of independent and separate rooms having dimensions upto 200 sq. ft. in respect of all six appellants. When the impugned notice under Section 53-A was received and hearing was granted to appellants, they referred to and relied upon substantial documents rather documentary evidence to show existence of

their structures since long. All six appellants referred to and relied upon issuance of ration cards to them to show their existence and address of the suit structures as far as back in the year 1987, copies of which are appended at 'Exhibit-E'. They relied upon property tax bills and having transferred the property tax assessment on to their names as far as back in the year 1988-1989 (Exhibit----). They relied upon rebate given to them in respect of property tax assessment by the Assessment Collector vide letter dated 27/10/2003 appended at 'Exhibit---'. They placed on record the water bills in respect of water collection supplied to the suit property i.e. their rooms and Rakhmabai Chawl dating back to 1996 as also in the case of at least two out of the six appellants before me relating to transfer to assessment tax bills in the year 1993. All six appellants have referred to and relied upon electricity bills issued by the then MSEB (Electricity Provider) in the year 1987 and most importantly their names being on the electoral roll published by the Election Commission of India in the year 1983-1985 showing their address of the suit structures. In each of the appellants' case before me, I have found that the appellants' structures have been in existence since long duly verified by documentary evidence on record. Some appellants may be subsequent purchasers of their said structures but the entire chain of agreements of transfer of the Rooms/structures have been placed on record. Though it can be argued by the Corporation that they are not registered documents but what needs to be ascertained in the present case is the fact that the appellants have transacted and transmitted independent rooms admeasuring between 100 sq. ft and 200 sq. ft in the said Rakhmabai Chawl. Pursuant to the title and interest in the said rooms having been transferred from the original owner i.e. the Mhatre Family. Rakhmabai Mhatre happened to be the matriarch of the Mhatre Family under whose name the said Chawl was nomenclatured sometime in the year 1955-1956.

6. *Prima facie there is material available on record to show the existence of the structures/rooms from 1958-1959 onwards when the Chawl was built. The existence of the Appellants is confirmed as long standing tenants of Rakhmabai Chawl in the deed of conveyance entered into by the present landlord/ owner of the land on which the said structures/rooms are standing. Names of all 51 tenants whose tenancy is attorned to the new landlord are recorded in the Registered Conveyance of 2013. That registered deed of conveyance is appended at page No. 110 and list of tenants is appended at page No. 133 wherein prima facie it is seen that all six appellants before me or in the case of two of the appellants their predecessor-in-title have been attorned as tenants and occupants in respect of their respective rooms/structures. The singular ground for rejection of the appellants case by the designated officer is that the appellants have failed to produce any documentary evidence prior to the datum line. Such a ground in respect of the structures of the appellants which are admittedly residential occupation could*

never have been passed when initiation of action by the corporation under Section 53 (1A) of the MRTP Act, which alleges that the structures are unauthorised. Rather it is not permissible for the designated officer to take such a stand for rejecting the case of the appellants structures which are residential user. The issue of datum line would be applicable to existence of commercial structures. There is overwhelming evidence which is mentioned hereinabove which prima facie shows existence of Rakhmabai Chawl (बैटी चाळ) since 1959-1960 and this is further confirmed and fortified by the fact that the 7x12 revenue extract appended at page No. 59 prima facie shows the holder of the structures to be four members of the Mhatre family. The documents which are referred to hereinabove qua Appeal from Order No. 333 of 2025 also incidentally find mention qua the appellants/plaintiffs in the remaining five Appeal from Orders also and I have perused the same. When all requisite details existence of the structures of the appellants/plaintiffs have been placed on record, the impugned order has not even considered it prima facie and has rejected ad-interim relief.

7. Today, at the request of Mr. Vajale, learned Advocate for the Corporation, I am giving him time for two weeks to file affidavit-in- reply to justify the stand of the Corporation.

8. Since in view of the aforesaid prima facie strong facts, the Corporation is directed not to take any coercive steps whatsoever against the structures of the plaintiffs - appellants before me until the present Appeal from Orders are decided by this Court. Affidavit in reply in all six Appeal from Orders is permitted to be filed within two weeks from today and same shall be considered on the next date and appropriate further order shall be passed for disposal of the present Appeal from Orders in accordance with law.

9. It is clarified that if the Corporation does not file affidavit-in- reply, this Court shall not await their reply and decide the Appeal from Orders on their own merits and in accordance with law.

10. List all six A.O.'s on 15th December 2025."

6. Pursuant to the aforesaid order, Municipal Corporation has filed its Affidavit-in-Reply dated 15.12.2025 rather separate Affidavits-in-Reply in all 6 Interim Applications of the Appeal From Orders. They are served in advance on the Advocate for Appellants / Plaintiffs. Physical copies of the same are tendered before the Court on

15.12.2025 and the Appeal From Orders and Interim Applications have been heard finally by consent of both the parties today. Both the learned Advocates for the parties have taken me through the record of the cases and made their submissions at length. Submissions made by the learned Advocates have received due consideration of the Court.

7. It is *prima facie* seen that the impugned order dated 15.03.2025 issued by the Corporation proceeds on the premise that Appellants / Plaintiffs have commenced, undertaken and carried out development or instituted or changed the use of their land / premises as described in the Schedule therein not in accordance with the permission granted or in contravention of any condition subject to which such permission was granted or in contravention of the permission which was duly modified. It is seen that the Show-Cause-Notice is a typed format of the notice without any specific case made out. In so far as the Schedule appended to the impugned notice is concerned, all that it states is the description of the suit structure namely suit structure rooms occupied by Plaintiffs and nothing more which *prima facie* alleges that the entire suit structure has been unauthorizedly constructed by Plaintiffs. However, the impugned notices call upon Plaintiffs to reinstate / restore / remove the unauthorized development / changes in the respective rooms of which Plaintiffs are in occupation of and referred to on the basis of permission granted / sanctioned plan dated 20.09.1969 and calls upon

Plaintiffs to apply to the Competent Authority i.e. Executive Engineer (Building Proposal) Department of the Corporation for retention of the unauthorized work within one month from the date of issuance of receipt of the statutory notice.

8. *Prima facie* on the face of record the impugned notice appears to be completely incongruous because on the one hand it alleges unauthorized development and calls upon the Plaintiffs to resurrect and correct the same by applying for regularization whereas on the other hand it alleges that Plaintiffs have carried out unauthorized construction without even specifying the nature and description of the unauthorized development whatsoever. *Prima facie* on the face of record the impugned notice is as vague as it can be and thoroughly insufficient on the face of record.

9. It is seen that Plaintiffs have adequately replied to the said notice on 27.03.2025, copies of which are all appended to the Appeal From Orders and the Suit Plaint. What is intriguing is the fact that before the impugned notice is issued, Municipal Corporation has not followed the due process of law whatsoever neither any notice has been given to Plaintiffs for carrying out any survey or inspection of the alleged suit structure about which there is an allegation impugned in the statutory notice. It is Plaintiffs' case that there was no unauthorized or illegal construction carried out in their respective rooms which are

long standing and nomenclatured with room numbers in the structure called Rakhmabai Mhatre Chawl, Mhatre Nagar, Mithagar Road, Mulund (East), Mumbai 400 081.

10. It is also stated by Plaintiffs that similar impugned action was initiated in the past in the year 2016 at the instance of the present landlord who had bought the larger property unsuccessfully which is borne out from the record. Plaintiffs have referred to the notice issued by the Corporation's under Section 354 of the Mumbai Municipal Corporation Act, 1888 (for short '**MMC Act**') issued to them in the year 2016 which had alleged that the Suit structure i.e. rooms in which Plaintiffs are residing are dilapidated structures at that time. The impugned notice and impugned speaking order passed by the Designated Officer which are under challenge *prima facie* proceed on the basis of Plaintiffs having carried out unauthorized construction.

11. It is seen that Plaintiffs have referred to and relied upon substantial documentary evidence which is *prima facie* considered while passing the order dated 01.12.2025. It is seen that in the year 2013 the entire larger premises / property on which the Suit structures are standing was transferred and conveyed to the present landlord by registered Sale Deed, copy of which is appended to the Appeal From Order at page No.110. The sale and transfer of the larger suit premises has taken place from its erstwhile owners / vendors namely the Mhatre

Family who had originally constructed the Rakhmabai Mhatre Chawl wherein the rooms occupied by Plaintiffs are situated. By virtue of the registered Deed of Conveyance dated 15.03.2013, 7 members of the Mhatre Family conveyed the entire larger property to M/s. Indu Enterprise (present owner), a Partnership firm through its Partner Mr. Anish Balkrishna Joshi and Mr. Mandar Dattatraya Vaidya, who are the purchasers. Perusal of the said Deed of Conveyance *prima facie* shows that the said Mhatre Family who are the Vendors were in occupation of 5 flats and 3 shops in the building structure for which the purchasers have paid them consideration of Rs.75 Crores and assured 5 flats in the development that will take place.

12. Appended to the said Deed of Conveyance are the list of tenants of the Mhatre Family (landlord) who are also in occupation of similarly situated rooms just like the Mhatre Family in the building structure and the chawl structure. Names of Plaintiffs / Appellants and their predecessors-in-title are all appearing in the said Annexure – 1 appended to the Deed of Conveyance and reference to Annexure – 1 as found in the said registered Deed of Conveyance as tenants of the chawl structure and one tenant of the building structure. On internal page No.18 thereof the parties have specifically agreed and Vendors have clarified that the said property is sold by the Vendors with rights and obligations created in favour of tenants who are specified in Annexure – 1 as appended to the said Deed of Conveyance and the

Vendors have attorned (*emphasis supplied*) to the new landlords (owners) rights relating to all tenants on execution hereof. The Deed of Conveyance further states that the purchasers alone shall be responsible to maintain and manage the said property in every respect at their own cost, risk and responsibility and also that purchasers alone are entitled to deal with the tenants directly and enjoy the benefits, monetary or in form of area of the said tenanted premises, of rent, transfer or surrender of the structures of tenants by doing settlement with them without any interference from the Vendors.

13. Thus it is *prima facie* seen that once the tenancy of the tenants has been attorned to the new landlord, the impugned action of the Corporation on the face of record appears to be *malafide*. It is *prima facie* not sustainable at all as double standards cannot be applied by the landlords to the tenants of the chawl. It is vehemently alleged by Mr. Gharte that the current landlord of the property who is the purchasers as per the Deed of Conveyance is the person behind the impugned action.

14. Be that as it may, the impugned action will have to sustain itself on the strength of its own facts and to merely allege unauthorized development in an insufficient manner as stated in the impugned notice and state that the impugned structures are unauthorized is *prima facie* unsustainable in law since the impugned structures are

independent, individual rooms occupied by Plaintiffs / Appellants in Rakhmabai Mhatre Chawl which has been in existence for the past more than 6 decades. The existence of the notice structures *prima facie* date back to the date of its construction by the Mhatre Family. Documentary evidence pertaining to the past 40 years has been placed and proved on record by each of the Appellants before me.

15. As opposed to this, the Corporation has filed Affidavit-in-Reply of the Designated Officer who has issued the impugned notices and passed the speaking order. These Affidavits-in-Reply are all dated 15.12.2025 and are identical. All that they state is that the impugned structures namely rooms of the Plaintiffs are unauthorized as they do not conform to the approved plan dated 20.09.1969. The impugned action of the Corporation is on the face of record *malafide* as it cannot be sustained. On the one hand, the Municipal Corporation calls upon the Plaintiffs to seek regularization of their structures and in the same breath the impugned notices allege that the suit structures are fully unauthorized. Such stand of the Corporation is clearly unsustainable in law. The impugned notice on the face of record is therefore not sustainable at all.

16. In the Schedule to the impugned notice, there are no details given whatsoever of the unauthorized construction and the entire room structure belonging to Plaintiffs is declared to be unauthorized. *Prima*

facie the said action of the Corporation issued for the first time in the year 2025 after the Corporation has assessed the said rooms for taxes and collected them for the past four decades is clearly a colourable exercise of power and *malafide* and is made only at the behest of interested parties. Nothing prevented the Corporation from exercising its rights on the entire Rakhmabai Mhatre Chawl since the year 1958 – 1959 when the said chawl was built by the Mhatre Family and the tenants were inducted in the chawl. It is only now that redevelopment is on the anvil and considering the prices of the real estate in the city of Mumbai that such impugned action is taken which is for obvious reasons.

17. *Prima facie* the impugned action seems to be at the behest of interested parties which cannot be ruled out on the face of record. I say this because there is adequate documentary material placed on record by each of this 6 Appellants before me which will show the existence of their structures and the transfer of the suit structures namely transfer of the tenancy to the current Plaintiffs from their predecessors-in-title which has not been objected to by the erstwhile original landlord namely the Mhatre Family. On the contrary, Mhatre Family has while conveying the larger property to the current landlord attorned the tenancy of each of the Plaintiffs' Suit structures to the current landlord. There is overwhelming evidence which is placed on record in the form of public documents, *inter alia*, showing existence of

the suit structures for the past more than 40 years. In such situation, it is improper, arbitrary and high handed on the part of the Corporation to allege the said suit structures are unauthorized.

18. The Municipal Corporation has collected property taxes in respect of the suit structures from the Mhatre Family, copies of which are appended to the proceedings. Letters have been issued by the Assistant Assessor and Collector, 'T' Ward to Plaintiffs for producing the relevant documents so that their names could be entered in the record of the Municipal Corporation as far back as in the year 1998.

19. It is thus *prima facie* seen that the impugned action of the Corporation is a clearly colourable and *malafide* exercise of power by the Corporation. The documentary evidence placed by Plaintiffs ought to have been considered. It is clear that the erstwhile landlord i.e. the Mhatre Family has sold the larger property alongwith attornment of tenancy of the tenants including the Plaintiffs / Appellants to the current landlord and subject to their substantive rights in the suit structures.

20. It is *prima facie* seen that occupants of the chawl are the six Appellants before me. Their names / predecessors-in-title names are all attorned as tenants residing in the chawl in the registered Deed of Conveyance. Hence they cannot be deemed to be unauthorized as stated in the impugned notice. It clearly appears that the action taken

by the Corporation is at the behest of interested parties to deny substantive right of the Plaintiffs to them in the redevelopment on the premise that their suit structures are unauthorized. When the landlord of the property itself confirms attornment of tenancy, then such attornment of tenancy is of each and every person who is present on the property. There cannot be any distinction between the names of the tenants residing in the A-Wing and B-Wing structure and the shops therein called 'Hariniwas' which is standing on the said property and the chawl namely Rakhmabai Mhatre Chawl which is standing alongside of said structure on the subject property. When benefit has to be given for those residing in the structure, then the residents of the chawl will also have to be treated at par with them. Therefore it clearly seems that the impugned action is not in accordance with law neither there has been any application of mind whatsoever by the Municipal Corporation and the Designated Officer either before passing the impugned speaking order or before issuing the impugned notice under Section 53 of the MRTP Act. The action of the Corporation is clearly not sustainable. In such strong and overwhelming facts, this Court has no other option than to decide the suit proceedings itself and remand the matter back to the Corporation for appropriate action.

21. Copy of Annexure – 1 to the said Deed of Conveyance showing the names of the tenants in Hariniwas A-wing and B-wing,

shops and the chawl premises is scanned and reproduced below for immediate reference:-

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Annexure - 1

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Sr. No.	Room No.	Name of the Tenant	Area SQ.FT.	Monthly Rent RS.
A WING				
1	A/1	SUNIL J. GAWADE	270	184
2	A/2	BHASKAR F. SHETTY	270	250
3	A/3	MR. SANAS SAKHARAM ARJUN	150	130
4	A/4	SUNITI G. DASHOLKAR	150	90
5	A/9	ARUN G. DALVI	300	140
6	A/10	DINESH R. SHEMBHEKAR	300	175
7	A/11	ATMARAM MHATRE	150	90
8	A/12	SATYVAN V. KADAM	150	82
9	A/17	MEENA H. SURAVANSHI	300	350
10	A/18	K. S. AMIN	300	161
11	A/19	S.B. KARGUTKAR	150	80
12	A/20	TRUPTI T. PATIL	150	83
13	A/25	TANAJI NIUNGARE	300	
14	A/26	MEGHANA NIVETKAR	300	240
15	A/27	DEEPAK MHATRE	150	
16	A/28	MRS. JYOTI PAI	150	
17		SHYAM GOLATKAR	250	250
18		LAVESH MHATRE	325	OWNER
19		KAILAS MHATRE	325	OWNER
B WING				
1	B/5	IVASANT MHATRE	246	OWNER
2	B/6	ANJALI UNROTOKAR	246	170
3	B/7	DAIVADNYA SAMAJ	246	225
4	B/8	K.Y. GAONKAR	246	145
5	B/13	SAKSHI PAVASKAR	246	350
6	B/14	VRUSHALI PAWAR	246	250
7	B/15	SARIKA GHANEKAR	246	250
8	B/16	DEEPAK PATIL	246	170
9	B/21	TULSIDAS PATIL	246	250
10	B/22	V.O.S. ACHARYA	246	180
11	B/23	GEETA V. CHEDA	246	200
12	B/24	IVASANT CHEDA	246	250

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13	8/29	HEMLATA MHATRE	246	145	2
14	8/30	HARISH THAKUR	246	150	
15	8/31	RADHA P VICHHI	246	150	
16	8/32	D.S. SHETTY	246	150	
17	8/33	VJAY PHALE	148	90	
18	8/34	VISHALI PHALE	216	170	
19	8/35	SWATI BANSARE	216	185	
20	8/36	ANIL KOTWAL	376	260	
SHOP					
21		ANOL VEDAK	162	350	
22		SHRADHA PAWAR (HAIR SALOON)	86	250	
23		RAMAKANT K (FURNITURE)	86	300	
24		YOGESHWAR ENTERPRISES	102	OWNER	
25		YOGESHWAR ICE CREAM PARLOUR	102	OWNER	
26		LAXMI PAPER MART	100	OWNER	
CHAWL					
27		SVT. KUSUM JADHAV	200	300	
28		MR. VEDAK	200	300	
29		ASHOK MHAPUSKAR	200	300	
30		MR. PANDURANG ALE	200	300	
31		MR. RAJKUMAR GAMDAS SHINDEE	200	300	
32		MR. MANIK THAKUR	200	300	

NOTARY
GOVT. OF INDIA

22. From the above, it is seen that attornment of tenancy has been in respect of all occupants of the said building and the chawl. Once this is the situation, then the impugned action is clearly not sustainable as per the impugned notice as also the speaking order which has been passed with complete non application of mind without giving any reasons whatsoever.

23. Both the impugned order and impugned notice of the Corporation are unsustainable in law. Due process of law is expected to be followed by the Municipal Corporation uniformly according to law before issuing the statutory notices. The material produced on record by all 6 Appellants showing existence of the structure is *prima facie* such that existence of the structure stands proven on the face of record.

24. In view of my aforesaid reasons, all 6 Appeal From Orders therefore deserve to be allowed. Infact, this is not enough in the facts of the present case since Plaintiffs / Appellants cannot be left to the mercy of the Courts. It is clear in the facts and circumstances of the present case that where the dispensing of justice is misused by the unscrupulous to the detriment of the legitimate, the Court must deal with such situations with firm hands.

25. Hence considering the vagueness of the impugned notice and speaking order and the detailed Affidavits-in-Reply filed by the Corporation and as argued by the Corporation's Advocate in the present Appeal From Orders, there can be no impediment in my opinion to allow the Notice of Motions as filed by the Plaintiffs before the Trial Court. It is true that ad-interim order has been challenged before me, but the facts and circumstances of the present case are so strong that if the matters are remanded back to the Trial Court, it

would be another round of ignominy for the Plaintiffs before me and they will have to undergo one more round of litigation. It is *prima facie* evident that because redevelopment is on the anvil, right of the Plaintiffs is sought to be deprived for obvious reasons. Existence of Plaintiff's structures *prima facie* stands proven on the basis of documentary evidence appended to each Suit Plaint. A strong case for trial is therefore made out by the Plaintiffs based on the above facts and circumstances.

26. Considering the strong circumstances in the preset case which are alluded to herein above, I am of the opinion that the Notice of Motions as filed before the Trial Court and after considering the Affidavit-in-Reply filed in Appeal From Orders by the Corporation in all six matters and after hearing the learned Advocate for the Corporation, the same deserve to be allowed herein itself in the facts and circumstances of the present case.

27. Hence the impugned ad-interim order dated 19.05.2025 passed in all 6 suit proceedings is quashed and set aside. Resultantly, all six draft Notice of Motions filed in Long Suit (St.) Nos.7374 of 2025, 7373 of 2025, 7369 of 2025, 7365 of 2025, 7370 of 2025 and 7368 of 2025 all stand allowed in the peculiar facts and circumstances of the present case and until the Suit proceedings are decided, it is directed that no coercive action whatsoever shall be taken by the

Corporation against the Plaintiffs' impugned structures under the impugned notice or the impugned speaking order by the Corporation.

28. The structures of the Plaintiffs stand fully protected from any coercive action on the part of the Municipal Corporation until the determination of the suit proceedings in accordance with law.

29. In view of the above, all 6 Appeal From Order Nos.333 of 2025, 334 of 2025, 335 of 2025, 336 of 2025, 337 of 2025 and 338 of 2025 are allowed and disposed.

30. In view of disposal of Appeal From Orders, pending Interim Application Nos.13488 of 2025 and 8599 of 2025; Interim Application (St.) No.37307 of 2025; Interim Application Nos.8601 of 2025, 13489 of 2025, 8603 of 2025, 13490 of 2025, 8604 of 2025, 13491 of 2025, 8607 of 2025, 13492 of 2025 and 8610 of 2025 are accordingly disposed.

[MILIND N. JADHAV, J.]

Ajay

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Digitally signed
by AJAY
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Date: 2026.01.05
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