

Digitally
signed by
JYOTI
PRAKASH
PAWAR
Date:
2026.02.16
19:48:50
+0530

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO. 1244 OF 2026
IN
APPEAL FROM ORDER NO. 18 OF 2022**

Isak Maknojia ... Applicant

IN THE MATTER BETWEEN

Isak Maknojia ... Appellant

V/s.

Municipal Corporation Of Greater Mumbai

Thr. The Municipal Commissioner ... Respondent

**Adv. Ashish T. Suryawanshi a/w. Adv. Stean Fernandes for Applicant
Adv. Sachin Vajale for Respondent BMC.**

CORAM : FARHAN P. DUBASH, J.

Date : 13th FEBRUARY 2026

P C :

1. The present Interim Application seeks a direction against the Respondent to consider and decide the Application for Regularization dated 19th May 2025 submitted by the Applicant pursuant to the order dated 25th March 2025 passed in Appeal from Order No. 18 of 2022 in accordance with law and in the meantime, restrain the Respondent-Corporation and its officers from demolishing the offending structure.

2. By an earlier order dated 25th March 2025, this Court had

permitted the Applicant to make an Application for Regularization of the offending structure within a period of eight weeks from the date of the said order and the Corporation was directed to decide the same in accordance with law in a time bound manner. The said order further provided that, till the decision of the Application for Regularization is taken by the Corporation, no coercive action was to be taken against the offending structure and further that, if the decision of the Corporation was adverse to the Appellant, the interim protection that was granted by the Court on the earlier occasion would continue for a period of six weeks from the date of communication of the decision to the Appellant. The Appellant was also given liberty to adopt appropriate proceedings as per law to challenge such adverse order.

3. Pursuant thereto, it appears that the Appellant, through his Architect, filed an Application for Regularization dated 15th May 2025. This Application came to be filed on 19th May 2025.

4. By a letter dated 20th June 2025 addressed by the Corporation to the said Architect of the Applicant, the latter was informed that the said Regularization Application was forwarded to the concerned Building and Proposal Department of the Corporation for necessary action.

5. Thereafter, the Applicant submits that there was complete silence in the matter until he received a letter dated 28th January 2026 from

the Corporation on 5th February 2026 informing him that, since he had not submitted the requisite proposal for regularization through the Corporation's online portal alongwith the requisite documents as per Ease of Doing Business (**EOBD**) and DCPR 2034, as per an earlier letter dated 23rd July 2025, the concerned Department of the Corporation has not been able to scrutinize his Application and accordingly, there is no permission for regularization of the offending structure. The said letter further informs the Applicant that the offending structure should be removed within ten days failing which, the Corporation would come and remove the same on the expiry of ten days from the date of the said letter.

6. Mr. Ashish Suryawanshi, learned Counsel who appears on behalf of the Applicant, submits that prior to the receipt of this letter dated 28th January 2026 at no point in time did the Corporation ever inform his client or his Architect that the Application for Regularization was required to be submitted only through the MCGM's online portal and that the written Application that was submitted on 19th May 2025 would not be considered in lieu thereof. He further submits that the letter dated 23rd July 2025 that was stated to have been sent by the Corporation to his client/Architect, has not been received by them. He therefore seeks urgent reliefs in the matter. He further informs this Court that, after receiving the said letter dated 28th January 2026, his client, on 10th February 2026 has also made the

necessary Application for Regularization on the MCGM's online portal and the same has been given file No. P – 29583/2026/(1/1921)/B Ward/MANDI.

7. Mr. Sachin Vajale, learned Counsel who appears on behalf of the Respondent – Corporation, states that the Applicant has failed to submit the Regularization Application through the online portal despite having knowledge of the fact that such Regularization Application could only be entertained if the same was so filed through the online portal. He submits that, if not the Applicant, at least his Architect ought to have known this fact and that they have deliberately not done so. He therefore submits that the Corporation has acted in accordance with law and the Applicant is not entitled to any reliefs.

8. After perusing the documents on record and considering the submissions made by the parties, this Court is of the view that, prior to issuing the letter dated 28th January 2026, the Respondent-Corporation was duty-bound and ought to have informed the Applicant and/or his Architect that they were required to submit the Application for Regularization only through the online portal and the hard copy that was admittedly submitted on 19th May 2025 in that regard would not be considered by the Corporation. The Corporation has not been in a position to show that the letter dated 23rd July 2025, that is stated to have been addressed by it to the

Applicant/Architect, was in fact sent to and delivered and/or received by the Applicant and/or his Architect. Even otherwise, as more particularly directed in the order dated 25th March 2025, the protection that was granted by this Court, and which is in force even today, was to continue for a period of six weeks from the date of communication of the rejection of the Regularization Application on the Applicant. If the Corporation, on 28th January 2026, informed the Applicant for the first time of such rejection, they are obliged to afford the Applicant a minimum of six weeks from the date of receipt of this communication as per the earlier order. This has admittedly not been done, since the Corporation has threatened demolition of the offending structure within ten days of the receipt of the said letter dated 28th January 2026. This is entirely impermissible and in the teeth of the earlier order passed by this Court.

9. Considering the aforesaid and since the Corporation has till date not decided the Regularization Application filed by the Applicant/his Architect on merits, the following order is passed:

:: ORDER::

- (i) The Corporation shall decide the Application bearing file No. P-29583/2026/(1/1921)/B-Ward/MANDI/dated 10th February 2026 filed by the Applicant/his Architect on the online portal

of the Corporation in accordance with law, within a period of 12 weeks from today viz. on or before 8th May 2026.

- (ii) Till the decision of the Application for Regularization, no coercive action shall be taken against the offending structure pursuant to the impugned notice.
- (iii) If the decision in the Regularization Application is adverse to the Applicant, the protection granted earlier by this Court shall continue for a further period of six weeks from the date of communication of the said decision (adverse) to the Applicant.
- (iv) If the order on the Regularization Application is adverse to the Applicant, he is at liberty to adopt appropriate proceedings as may be permissible in law.
- (v) Applicant shall not carry out any further construction in the offending structure and shall not create any third party rights or part with the possession of the structure.
- (vi) Needless to clarify that, subject to the Applicant's right as permissible in law to challenge the said decision, if the same is adverse to the Appellant and subject to the final result of the challenge, the Applicant shall remove the offending structure in terms of the undertaking recorded in the order dated 25th March 2025.

(vii) The present Interim Application is disposed of in terms of the above order with no order as to costs.

(FARHAN P. DUBASH, J.)

Mandar M.