

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

Writ Petition No. 628 of 2024

Gokul Arcade Premises
Co-operative Housing Society ... Petitioner
V/s.
Assistant Commissioner K-East,
Municipal Corporation of
Greater Mumbai & Ors. ... Respondents.

Mr. Rohaan Cama a/w Ms. Kavisha Shah & Mr. Prathmesh Bhosale
i/b India Law Alliance for Petitioner.

Mr. Ranjit A. Thorat, Senior Advocate a/w Ms. Babita Kesharwani
i/b K. Amol for Respondent Nos. 5 to 11.

Ms. Rutuja Bodake i/b Ms. Komal Punjabi for Respondent Nos. 1 to
3-BMC.

Mr. Prashant Kamble, AGP for Respondent No.4-State.

**CORAM : M.S. KARNIK &
S.M. MODAK, JJ.**

DATE : 12th March 2026.

P.C. :

1. Heard learned counsel for the petitioner.
2. Mr. Thorat, learned Senior Advocate appears for respondent Nos.5 to 11. The petitioner is a co-operative society. The grievance of the petitioner is that 4 water tanks have been installed without any

permission unauthorisedly.

3. Learned counsel for the Society submits that the Corporation by the communication dated 9th June 2023 has called upon the Society to remove unauthorised work carried out. In dispute are 4 water tanks which are unauthorisedly placed in the premises of the Society. It is the grievance of the petitioner that as a result the petitioner society has to bear substantial amount towards the water charges. It is submitted that water from the water tanks is being used for the purpose of banquet hall which is situated on the ground floor. Admittedly, the water tanks have been installed without permission. The same have to be removed unless necessary permissions are obtained by the concerned.

4. Mr. Thorat made an attempt to oppose the petition, however, he could not produce any authorisation or permission so far as these water tanks are concerned.

5. In such view of the matter, the petition needs to be allowed. If within a period of 3 weeks from today, these 4 water tanks are not removed or necessary authorisation for these water tanks is not obtained, it would be open for the petitioners to take steps to remove the 4 water tanks. Incharge of the police station of the area to provide the necessary police protection, the charges of which shall be borne by the petitioner-society. This is without prejudice to any of the occupants of the Society applying for water connection in accordance with law. If any application for regularisation is filed, the

same shall obviously be decided on its own merits and in accordance with law, expeditiously.

6. The Writ Petition is disposed of.

(S.M.MODAK,J.)

(M.S.KARNIK, J.)