

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

Writ Petition No. 198 of 2025

Suleman Mohammed Hussain Wawda ... Petitioner
V/s.
The Municipal Corporation
For Greater Mumbai & Anr. ... Respondents

Mr. Aseem Naphade a/w Mr. Sahil Salvi i/b Mr. Omar Khaiyam
Shaikh for Petitioner.

Mr. Chaitanya Chavan a/w Ms. Vaishali Ugale for Respondents-
BMC.

Mr. Amogh Singh a/w Mr. Santosh Pathak a/w Mr. Kailash Pathak
a/w Mr. Deepesh Y. Kadam i/b Law Origin for Respondent No.2.

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

DATE : 10th March 2026.

P.C. :

1. Heard learned counsel for the petitioner and learned counsel
for the respondents. The relief prayed in this petition is in terms of
prayer clause (b) which reads thus:

“(b) To issue writ of mandamus or any other writ in the
nature of mandamus order or direction against
Respondent No.1/MCGM to act against Respondent
No.2 in terms of the complaint letter dated 23rd October
2024 (Exh – F) and demolish the extension admeasuring

180 sq. ft. (approx.) as per law.”

2. Accordingly the Corporation by a reasoned speaking order dated 10th March 2025 already declared the structure to be unauthorised. The petitioner against whom the order was passed by the Corporation challenged the same before the City Civil Court, however, failed to obtain any ad-interim relief.

3. In the appeal from order filed before this Court, this Court by order dated 15th April 2025 has directed the Corporation not to take further action by implementing the impugned notice. There have been some subsequent challenges placed on record by the learned counsel for the petitioner. According to learned counsel for the petitioner the Corporation ought to have taken the notice to the logical conclusion and demolished the suit structure in terms of the order passed by the Corporation.

4. Suffice it to observe that the proceedings are already pending in this Court in challenge to the order passed by Corporation. We can see from the record that the Corporation has acted in compliance and taken necessary action. Such is obviously subject to any legal impediment or having regard to such orders as may be passed by this Court in Appeal from Order. The Corporation shall take further steps in accordance with law once there is no legal impediment in its way.

5. In our opinion, the purpose of filing the petition is served as

the Corporation has taken action. The notice has been now challenged by respondent No.2 before the competent Court. The petition is, therefore, disposed of. Liberty is granted to the petitioner to apply at later stage, if necessary.

6. It is made clear that we have not observed anything on the merits of the respective contentions.

(S.M.MODAK,J.)

(M.S.KARNIK, J.)