

WRIT PETITION NO.1104 OF 2026

Shaikh Shahid Abdul Latif Dadamiya ... Petitioner
Versus
The Municipal Corporation of Greater Mumbai
and ors. Respondents

Adv. Amit Jaiswar i/b. Adv. Vimlesh Singh, for the petitioner.
Adv. Rutuja Bodake i/b. Adv. Komal Punjabi, for the respondent-
BMC.

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

DATE : 13th MARCH 2026

P.C. :

1. Heard learned counsel for the parties.
2. It is the grievance of the petitioner that the respondent No.3 has illegally and unauthorisedly constructed two ground floor structures admeasuring 4.70 m x 6.80 m x 3.00 m (ht) approximately and admeasuring 4.70 m x 2.30 m x 3.00 m (ht) using brick masonry wall and A C Sheet Roof on open land at the property which is described in the Writ Petition. The Corporation had issued two notices under Section 351 of the Mumbai

Municipal Corporation Act (“MMC Act”, for short) asking the respondent No.3 to show cause why the illegal construction should not be demolished. After hearing the respondent No.3, the speaking orders were passed by the Municipal Corporation of Greater Mumbai (“MCGM” for short), both dated 9th December 2022 which are at Exhibits ‘E’ and ‘F’ of the Writ Petition. It is the grievance of the petitioner that despite the notices and the speaking orders passed, no action has been taken against the structures which have now been declared to be unauthorised.

3. Since the notices have already been issued under Section 351 of the MMC Act and the speaking orders have been passed, the Corporation is duty-bound to take the notices to their logical conclusion in accordance with law expeditiously. We therefore direct the Corporation to take appropriate action on the notices expeditiously and in any event within a period of three months from the date of communication of this order, subject to any legal impediment.

4. The Writ Petition is disposed of.

(S.M.MODAK, J.)

(M.S.KARNIK, J.)