

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

Writ Petition No. 1291 of 2025

Hemraj Shrirang Sontakke ... Petitioner
V/s.
The Municipal Corporation of Greater
Mumbai and others ... Respondents.

Mr. Laukik Palekar i/b. Bhakti Jugal for the petitioner.

Ms. Vaishali Ugale for the respondents-BMC.

Mr. Pradip Patil i/b. Vishwanath Patil for respondent No.5.

Mr. Prashant Kamble, AGP for the State.

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

DATE : 10th March 2026.

P.C. :

1. Heard learned counsel for the parties.

2. The petitioner is alleging that respondent No.7 has made an illegal construction of one room which is subject matter of this petition. The petitioner had approached the Corporation by filing a complaint. By the communication dated 9th January 2024 the Corporation replied that so far as minor repairs are concerned, there is no requirement of permission under Section 342 of the Mumbai Municipal Corporation Act, however, if any major repairs are required or the premises are to be reconstructed then the permission

of the Planning Authority is required. The application was disposed of.

2. Learned counsel for the SRA seeks some time to take instructions.

3. In our opinion, this matter need not await obtaining instructions from the respondents-SRA. If the structure in question is unauthorised, appropriate action has to be taken. It is the contention of the petitioner that new structure has been put up and the same is being passed off as minor repairs/temporary repairs.

4. In this view of the matter, the petitioner to appear before respondent No.5 on 23rd March 2026 at 11.00 a.m. On that date the petitioner shall produce copy of this order as well as comprehensive representation for consideration of respondent No.5. After briefly hearing the petitioner and the affected party, the SRA to decide the representation/complaint in accordance with law within a period of six weeks. If it is found that the structure in question is constructed illegally, appropriate action be taken against the same expeditiously.

5. With these observations, the writ petition is disposed of.

(S.M.MODAK,J.)

(M.S.KARNIK, J.)