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

WRIT PETITION NO. 2732 OF 2025

Agnelo Francis Patrao

... Petitioner

Versus

Brihanmumbai Municipal Corporation

.... Respondent

Mr.Rakesh Agrawal a/w Pallak Ranawat, for the Petitioner.

Ms. S.V. Tondwalkar, for Respondents No.1 to 3-BMC.

Mr. Vaibhav Nimbalkar, S.E.(B&F) M/E Ward, present.

Mr. Vikrant Parshurami, AGP, for the Respondents No. 4 & 5-State.

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

DATE : 9th MARCH 2026

P.C. :

1. Heard learned counsel for the petitioner. The structure in question, which is claimed to be unauthorised, is a tin shed on the first floor. The first floor is occupied by the Assistant Commissioner, Social Welfare Department, Mumbai. The petitioner is the owner of the ground floor premises. The petitioner, therefore, filed a complaint regarding the unauthorised structure on 16/02/2023 to respondent no.3- the Designated Officer, M-West

Ward, Executive Engineer, Building & Factory, Mumbai. The Corporation issued a notice dated 27/05/2023 to the petitioner stating thus :

“ Office of the
Designated Officer
Executive Engineer(B&F) M/East
M/East ward office Bldg.
Room no. 103, 1st floor,
Late, Madhukar Kadam Marg,
Govandi, Mumbai-400043

To
Agnelo Francis Patrao
Flat no.5, Bldg, no. 7, 5th floor,
Twinkle Star society,
Ghatla Road,
Chembur, Mumbai-400071

Sub: Regarding the ongoing u/a erection of shed.

With reference to the above subject matter, this office has received complaint regarding the ongoing u/a erection of shed in your premises. Accordingly, this office staff inspected the aforesaid site on 23.05.2023 & it is observed that unauthorised M.S. steel shed is put in place above terrace.

Therefore you are instructed to submit relevant documents, permission of competent authority obtained for construction within 3 days after-receipt of this letter or remove the shed immediately. In case of failure to comply with this office instruction, appropriate action will be initiated against you as per provision of MMC Act

sd/-
27/05/2023
Asstt. Engineer (B. & FJM/East”

2. The petitioner seeks that the Corporation take action on the basis of the notice issued to the petitioner dated 27/05/2023 which is at page 95 of the paper-book.

3. Learned counsel for the Corporation submitted that the Social Welfare Department had made a representation to the Executive Engineer of the Corporation stating that they intend to regularize the tin shed, as the same was erected due to some leakage problem during the rainy season. It is submitted that even the Assistant Commissioner, Social Welfare Department had made a complaint against the petitioner.

4. In such view of the matter, we have called upon learned AGP, of Original Side to communicate this order to the Assistant Commissioner, Social Welfare Department, Mumbai Suburban. The petitioner as well as the concerned authorised Officer of the Assistant Commissioner, Social Welfare Department, Mumbai Suburban, to remain present before the Assistant Commissioner, M/East Ward, Mumbai on 30/03/2026 at 11:00 a.m.

5. Upon briefly hearing the petitioner and Assistant Commissioner, Social Welfare Department, Executive Engineer, M/East Ward, (B&F), Mumbai to take appropriate action in respect of the subject structure and / or complaint made by the Assistant Commissioner,

Social Welfare Department in accordance with law as expeditiously as possible and in any case, within a period of 8 weeks from 30/03/2026.

7. Keeping all contentions open, the writ petition is disposed of.

(S.M.MODAK, J.)

(M.S.KARNIK, J.)