

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

WRIT PETITION NO. 689 OF 2026

Jagdeep Singh Wadhwa

... Petitioner

Versus

Municipal Corporation of Greater Mumbai & Ors.

... Respondents

Mr. Ajeet Manwani a/w. Faisal Vora for the Petitioner.
Mrs. S. V. Tondwalkar for the Respondent No.1-BMC.

CORAM : M. S. KARNIK AND
S. M. MODAK, JJ.
DATED : 4th MARCH, 2026.

P.C. :

1. Heard learned counsel for the parties.
2. Learned counsel for the petitioner claims to be a senior citizen suffering from heart ailments due to sleepless nights, stress and respiratory problems caused by smoke, strong odour, continuous noise from the operations of the business conducted by respondent No.2-Cheelizza Pizza India Pvt. Ltd. in the Shop No.6, Ground Floor, Chembur Fairlawn CHS Ltd, S. T. Road, Chembur, Mumbai. Respondent No.1 is Municipal Corporation, which has power to issue licenses, supervise the operations of business premises, restaurants, bakery and hotels and control the activities carried on by these business places to ensure compliance of clean, healthy, hygienic and pollution free conditions of the residents in Mumbai.

Respondent No.2 is a private limited company which is conducting business of cooking, baking and supplying Pizzas and other food items, other bakery items to the customers visiting their premises and also catering to the online food service providers like Swiggy, Zomato, Uber and other food chains of food service providers.

3. This writ petition seeks following substantial reliefs:-

“(a) That this Hon’ble Court will be pleased to issue a Writ of Mandamus or a Writ in the nature of Mandamus or any other Writ, Direction or Order, directing the Respondent No.1 to suspend the licenses issued to the Respondent No.2 for conducting restaurant & food business.

(b) That this Hon’ble Court may be pleased to direct Respondent No.1 to immediately take action against the Respondent No.2 by closing/shutting down/sealing the business premises, forthwith.

(c) That this Hon’ble Court may further be pleased to issue appropriate direction to the Respondent No.1 to enforce the time of running of business as per law.

(d) That this Hon’ble Court may be pleased to direct payment of Rs.10,00,000/- as exemplary costs by the Respondent No.2 to the Petitioner for having caused harassment, inconvenience and financial loss to the Petitioner.”

4. Learned counsel for the petitioner submits that despite several complaints made to the Respondent No.1, some of which are dated 6th February, 2024, 24th June, 2024, 15th January, 2025 and 1st July, 2025, the respondent No.1 has failed to take any action. It is submitted that an inspection was carried out as directed by the Assistant Commissioner of concerned Ward of the shop but no further action was taken.

5. We have perused the copy of email dated 15th January, 2025, addressed by the petitioner to the respondent No.1 regarding violations of safety and pollution control standards by respondent No.2 and request for immediate action. We are not issuing a notice to respondent No.2 considering the nature of order we propose to pass.

6. In the facts and circumstances of the case, we permit the petitioner to make a comprehensive representation to the Assistant Commissioner of the concerned Ward, where the shop of respondent No.2 is situated, within a period of two weeks from today. We are of the opinion that the grievance of the petitioner, who is senior citizen residing on the first floor needs to be examined carefully and looked into by the respondent No.2. In such view of the matter, the Assistant Commissioner of the concerned Ward is requested to examine the representation made by the petitioner and take appropriate action in accordance with law within a period of six weeks from the date of communication of this order. An opportunity obviously will be given to the respondent No.2, if any adverse action is proposed to be taken against the respondent No.2.

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

(S. M. MODAK, J.)

(M. S. KARNIK, J.)