

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

Writ Petition No. 1457 of 2026

Chingate Restaurants Private Limited ... Petitioner

V/s.

Municipal Corporation of Greater Mumbai
and others ... Respondents.

Mr. Yashraj Tongia a/w. Ismail Shaikh for the petitioner.

Ms. Vaishali Ugale for respondents-BMC.

Mr. Kiran Kumar Annamwar, AE (BF) H/W Ward present.

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

DATE : 30th March 2026.

P.C. :

1. Heard Mr. Tongia, learned counsel for the petitioner and Ms. Ugale, learned counsel for the Corporation.

2. The petitioner prays for following substantive relief:

“(a) That this Hon’ble Court may be pleased to issue a writ of Mandamus or any other appropriate writ, order or direction, permitting the petitioner to undertake the necessary repairs/reconstruction of the subject building at his own cost in terms of Section 499 of the Mumbai

Municipal Corporation Act, 1888, subject to such safeguards/directions as this Hon'ble Court may deem fit, and further directing Respondent No.5 (Society) to reimburse the entire costs incurred by the petitioner within a stipulated period, failing which the same be recovered as arrears of land revenue under Section 499 proviso or"

3. Learned counsel for the petitioner submitted that on 7th February 2026 a representation was made to the respondent Corporation for permission to carry out urgent repairs and protective measures in Link Square Premises Co-operative Society. Annexed therewith was the order passed by this Court in Writ Petition No.3320/2025 filed by the petitioner. The order dated 13th October 2025 in Writ Petition No.3320/25 was in a different context which reads as under:

"1. The learned Additional Government Pleader submits on instructions from Respondent No. 4, who is present in the Court Hall, that the next date of hearing on 'whether to appoint an Administrator on the Society?' is scheduled before him on 30th October, 2025. The last hearing was on 9th October, 2025. The Petitioner is at liberty to attend the hearing. After the hearing concludes, a final order would be passed.

2. The learned Advocate for the Petitioner submits that the Petitioner would participate in the hearing on

30th October, 2025 at 12.00 noon as per the scheduled hearing. The Petitioner may tender written notes of submissions.

3. We expect Respondent No. 4 to pass a reasoned order on or before 15th November, 2025. The aspect of 'whether the Society has held Annual General Body Meetings, prior to 30th September of each year, as is statutorily required?', would also be gone into and appropriate orders would be passed.

4. Needless to state, whatever may be the verdict of Respondent No. 4 with regard to the Society, the order passed by the Municipal Corporation dated 1st August, 2025 shall be complied with without delay, either by the Administrator, who may be appointed, or as the case may be, post the order of Respondent No. 4.

5. In view of the above, this Petition is disposed off."

4. The premises of the petitioner have been shut for months since there was fire which according to the petitioner is causing them tremendous hardship and loss. The petitioner is willing to take remedial action under Section 499 of the Mumbai Municipal Corporation Act is the submission of learned counsel for the petitioner. The representation dated 7th February 2026 is not annexed to the petition inadvertently according to learned counsel.

5. In such view of the matter, the present petition can be disposed of by directing the Executive Engineer to consider the representation dated 7th February 2026 within a period of 4 weeks from the date of communication of the order. If any repair permission is requested, the concerned authority may consider the request for repair permission in accordance with statutory provisions.

6. Learned counsel for the Corporation submitted that if at all the petitioner wants the permission for repair of the premises as requested for in this petition, it is for him to make an online application in the prescribed form in the Building Proposal Department. The petitioner is granted liberty to make an online application to the Executive Engineer, Building Proposal Department of the concerned Ward within two weeks from today. If such an application is made, the concerned Engineer of Building Proposal Department shall take a decision thereon within 45 days from the date of receipt of the application. If there are any deficiencies in the application, the same be communicated to the petitioner so as to give them an opportunity to rectify the same.

7. The petitioner submits that because of the monsoon the petitioner wants to cover the structure temporarily, so that further damage is controlled. On this aspect the concerned Engineer, while considering the application aforementioned, to consider such request within a period of two weeks in accordance with law.

8. The Writ Petition is disposed of.

(S.M.MODAK,J.)

(M.S.KARNIK, J.)