

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER (ST.) NO.6996 OF 2026
WITH
INTERIM APPLICATION (ST.) NO.6997 OF 2026

Patel & Zalani Associates and Anr.

Appellants
.. (Org.Plaintiffs)

Versus

Municipal Corporation of Greater Mumbai

Respondent
.. (Org.Defendant)

-
- Mr. Ashok M. Saraogi, Advocate for Appellants.
 - Mr. Sachin Vajale, learned Advocate for Respondent.
 - Mr. Nagesh Lomte, Junior Engineer (B & F) 'A' Ward for Respondent.

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CORAM : MILIND N. JADHAV, J.

DATE : MARCH 11, 2026

P.C.:

- 1.** Not on Board. Mentioned by way of filing praecipe dated 10.03.2026. Perused the praecipe.
- 2.** Heard Mr. Saraogi, learned Advocate for Appellants and Mr. Vajale, learned Advocate for Respondent.
- 3.** In view of the facts in the present case and no specific reasons having been given in the impugned order, the ad-interim relief granted on 09.03.2026 appended at page No.10 to the Interim Application stands extended.
- 4.** I am impelled to pass this order primarily because in so far as Plaintiffs' suit structure is concerned, it is an old cessed structure for

which permission for repairs was granted by Executive Engineer 'A' Ward MBR & R Board a unit of MHADA on 10.01.2024 which was further extended on 25.08.2025. Both these permissions are appended to the Appeal from Order. I have perused the same.

5. The impugned action has been taken in January – 2026 on the premise that alleged work carried out by Plaintiffs in the suit structure is without any permission. The notice dated 20.01.2026 which has been shown to me by Mr. Vajale does not give any details of the alleged construction. It is a singular line notice which states that Appellants are carrying out unauthorised construction and therefore notice under Section 354A of the Municipal Corporation of Mumbai Act, 1888 is given.

6. In view of the above, no coercive steps shall be taken against Appellants' suit structure.

7. Needless to state that if after reply is filed by Corporation if it is found that Appellants have over-stepped the work order and the extension which has been granted to Appellants which is appended at page Nos.59 and 64, Appellants will have to remove the construction.

8. Both parties shall be heard on the next adjourned date. All contentions of both the parties are expressly kept open.

9. Corporation should file Affidavit-in-Reply taking into account

all aspects within a period of three weeks from today. Affidavit-in-Rejoinder, if any to be filed within a period of a week thereafter.

10. Stand over **16th April 2026.**

11. Praecipe is disposed.

H. H. SAWANT

[MILIND N. JADHAV, J.]

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SAWANT

Digitally signed
by HARSHADA
HANUMANT
SAWANT
Date: 2026.03.11
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