

Ajay

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER (ST) NO. 11196 OF 2026  
WITH  
INTERIM APPLICATION (ST) NO. 11197 OF 2026  
IN  
APPEAL FROM ORDER (ST) NO. 11196 OF 2026

Fahimullah Moinulla Shaikh

Appellant /  
.. Plaintiff

**Versus**

The Bombay Municipal Corporation of Greater  
Bombay

Respondent /  
.. Defendant

- .....
- Mr. M.P. Mishra a/w. Mr. Brahmesh Pandey, Advocates i/by Ms. Asha B. Rawal for Appellant.
  - Mr. Sachin Vajale, Advocate for Respondent – BMC.
- .....

**CORAM : MILIND N. JADHAV, J.**

**DATE : MAY 08, 2026.**

**P.C.:**

- 1.** Not on Board. Mentioned by way of filing praecipe dated 08.05.2026. Perused the praecipe.
- 2.** Heard Mr. Mishra, learned Advocate for Appellant and Mr. Vajale, learned Advocate for Respondent – BMC.
- 3.** Being aggrieved with the impugned order which is a final order rejecting interim relief dated 09.04.2026, the present Appeal From Order is filed.
- 4.** Plaintiff is occupant of the suit structure wherein he running a commercial enterprises under the Ministry of Micro, Small and

Medium Enterprises of India (for short 'MSME') having obtained requisite licenses from the Udyog Aadhar and Udyam Registration Certificate from the Government of India. As usual, since the structure is standing on Government land, Plaintiff is faced with the consequences and ignominy of the statutory notices and action under the Mumbai Municipal Corporation Act, 1888.

**5.** Plaintiff came on to the Suit premises in the year 1999 by virtue of the Sale Deed. However in so far as subsistence and existence of the suit structure is concerned, it has been in existence since much prior thereto which is *prima facie* seen from the documentary evidence placed on record.

**6.** In that view of the matter, it is directed that no coercive steps be taken against the Plaintiff's suit structure by the Municipal Corporation in consequence and furtherance of the notice under Section 55 of Maharashtra Regional Town Planning Act, 1966 and order passed by the Designated Officer and rejection of interim relief by virtue of the impugned order until the present Appeal From Order is heard for admission by this Court.

**7.** In view of the above, issue notice to Respondent.

**8.** Mr. Vajale, learned Advocate waives service on behalf of Respondent. He is directed to file its Affidavit-in-Reply within a period of four weeks from today. Rejoinder, if any, is permitted to be filed

within two weeks thereafter.

**9.** All parties are directed to act on a server copy of this order downloaded from the website of the High Court of Bombay.

**10.** Stand over to **29<sup>th</sup> June 2026.**

[ MILIND N. JADHAV, J. ]

Ajay

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