



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION (L) NO. 11880 OF 2026
IN
APPEAL FROM ORDER (L) NO. 10527 OF 2026
WITH
INTERIM APPLICATION (L) NO. 10528 OF 2026
IN
NOTICE OF MOTION NO. 3485 OF 2025
IN
LONG CAUSE SUIT NO. 2234 OF 2025

Aboobakar Haji Abdul Kadar Peringalam
Cheriya and Another

...Appellants/Applicants

Versus

Designated Officer-I and Another

...Respondents

*Mr. Amogh Singh, Mr. Rutuparn Umesh Deo i/b Mr. Sarvesh Dixit for
Appellant.*

CORAM : SHARMILA U. DESHMUKH, J.

DATE : 8th June, 2026

P. C. :

1. Not on Board. Upon mentioning, taken on Board.
2. The matter was circulated urgently in view of demolition which was proposed on site today. The matter was taken up for hearing after directing learned counsel for Appellant to give notice to the Corporation. Accordingly, e-mail sent by the Appellant is tendered and

is taken on record.

3. Mr. Singh, learned counsel appearing for Appellant would point out the schedule in Section 351 notice and would point out to the sanctioned plan annexed at page no. 28 of the Interim Application. He points out that the construction which is termed as unauthorized in Section 351 notice is in fact sanctioned by the Corporation and at the time of trial, the sanctioned plan was not available which was acquired subsequently under Right to Information Act, 2005.

4. The application along with Appeal from order is listed tomorrow at Serial no. 10.

5. Considering that the officers of the Corporation are proposing demolition, till tomorrow, no coercive action be taken. *Prima facie* from the sanctioned plan which is produced on record, the construction which is set out in schedule to the Section 351 notice appears to have been sanctioned by the Corporation.

6. Stand over to **9th June, 2026.**

[SHARMILA U. DESHMUKH, J.]