

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**APPEAL FROM ORDER (ST) NO.14831 OF 2026
WITH
INTERIM APPLICATION (ST) NO.14832 OF 2026
IN
APPEAL FROM ORDER (ST) NO.14831 OF 2026**

Peer Ali Jamed Ahmed Shah .. Appellant

Vs.

Municipal Corporation of Greater
Mumbai

.. Respondent

Mr. Ozai Kazi i/b YMK Legal, Advocates for Appellant.
Mr. Sachin Vajale, Advocate for the Respondent-MCGM.

CORAM : GAUTAMA A. ANKHAD, J.

DATE : 20TH MAY 2026

[VACATION COURT]

P.C. :

1. The Plaintiff has filed the present appeal challenging the order dated 6th May 2026 passed by the trial Court, whereby his application for interim relief came to be rejected. The trial Court has held that the suit properties, namely Unit Nos. A-3 and A-103, are not the subject matter of the impugned notice dated 16th April 2026 issued under Section 351 of the Mumbai Municipal Corporation Act, 1888 (annexed at page 65 of the paper-book). The trial Court has further held that impugned notice

pertains only to Shop No. 2, which is adjacent to the suit properties. As both properties are distinct and separate, the trial Court concluded that the suit was premature and refused the prayer for injunction.

2. Mr. Ozai Kazi, learned counsel appearing for the Appellant/Plaintiff submits that the Appellant has a genuine apprehension that, while carrying out demolition in respect of the adjoining premises (Shop No.2), the Respondent may also take coercive action against the suit properties.

3. Mr. Sachin Vajale, learned counsel appearing for the Respondent submits that a copy of the Appeal has been served upon the Corporation only recently and seeks time to obtain instructions and file an appropriate reply.

4. A prima facie perusal of the notice dated 18th March 2026 at page 64 of the paper-book indicates that the same is vague and deficient in material particulars. The notice neither identifies the property in respect of which it has been issued nor specifies the nature and extent of the alleged unauthorized construction or alteration. In the absence of such particulars, the Plaintiff's apprehension that coercive action may be taken against the suit properties, under the guise of demolition of the adjoining premises, cannot be said to be unfounded. If coercive action is

taken on the suit properties (Unit Nos.A-3 and A-103) without affording the Plaintiff an opportunity to remedy the alleged breach, the prejudice would be irreparable in nature. Having regard to the aforesaid circumstances and until the Respondent files its reply and clarifies its stand, limited ad-interim protection deserves to be granted in order to preserve the suit properties. Hence, the Respondent–Corporation is restrained from taking any coercive action against Unit Nos. A-3 and A-103 situated at Aero Village Co-operative Housing Society Limited, L.B.S. Marg, Kurla (West), Mumbai – 400070, till the next date of hearing.

5. Affidavit-in-reply shall be filed on or before 12th June 2026.
6. List the matter on 15th June 2026.

[GAUTAM A. ANKHAD, J.]

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