

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER (ST) NO.40943 OF 2025

Zakir Ali Gulam Ali Shaikh .. Appellant
Versus
Municipal Corporation of Greater Mumbai .. Respondents

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- Mr. I.K. Tripathi, Advocate i/by C.K. Tripathi for Appellant in both Appeal From Orders.

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CORAM : MILIND N. JADHAV, J.

DATE : FEBRUARY 27, 2026

P.C.:

1. Not on Board. Mentioned by way of filing praecipe dated 27.02.2026. Perused the praecipe.
2. Heard Mr. Tripathi, learned Advocate for Appellant.
3. Plaintiff is aggrieved with the impugned action by the Municipal Corporation pursuant to issuance of notice under Section 351(1A) of the Mumbai Municipal Corporation Act, 1888 appended at Exhibit-G, page No.56, *inter alia*, designating the Plaintiff's ground plus one storage structure as unauthorised construction. The reply to the said notice has been given by the Appellant on 22.07.2025, *inter alia*, appending the details of the copy of map issued by the City Survey Officer, Bandra and copy of assessment bill regarding capital value, computation and property card issued by City Survey Officer, Bandra including other details.

4. *Prima facie* from the record it emanates that the suit structure is in existence since long rather prior to the datum line. There is no dispute about that since it appears from the record that due to certain enmity with relatives who are also the neighbour and residing in similarly placed structures, complaints and cross-complaints were lodged between the parties and impugned action appears to have been emanated therefrom.

5. Be that as it may, in view of the *prima facie* fact that the suit structure is clearly identified by City Survey Officer in the plan as well as the property card, no coercive steps shall be taken against suit structure in furtherance of the impugned order dated 17.12.2025.

6. Need and necessity for urgent hearing has arisen because of exigency mentioned by Mr. Tripathi that the Municipal Corporation is threatening demolition it is reliably learned by Appellant that police protection has also been called for.

7. In that view of the matter, impugned order stands stayed.

8. Hence issue notice to Respondents.

9. Humdast permitted. In addition to Court's notice, Appellant is directed to serve the Respondents a copy of this order and copy of Appeal from Orders and inform about the next date of hearing by any permissible mode of service and file appropriate affidavit of service

with tangible proof thereof.

10. Affidavit-in-Reply to be filed within a period of four weeks from today. Affidavit-in-Rejoinder to be filed within a period of four weeks thereafter.

11. Stand over to **23rd April 2026.**

12. Praecipe is disposed.

H. H. SAWANT

[MILIND N. JADHAV, J.]

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