



IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
ORDINARY ORIGINAL CIVIL JURISDICTION

Writ Petition (L) No. 2851 of 2026

Devdarshan Cooperative Housing Society  
Ltd. ... Petitioners  
V/s.  
Mumbai Municipal Corporation ... Respondents.

Mr. Ajit Kenjale (through V.C.) a/w. Mr. Azharuddin Khan i/b. Mr. Sohil Gulabani for the petitioners.

Ms. Vaishali Ugale for respondents-BMC.  
Mr. Rajesh P. Khobragade for respondent Nos.5 and 6.

CORAM : M.S. KARNIK &  
S.M. MODAK, JJ.

DATE : 26<sup>th</sup> March 2026.

P.C. :

1. Heard learned counsel for the petitioners.
2. The petitioners allege that the respondent Nos.5 and 6 are responsible for unauthorised illegal construction carried out in the Shop Nos.8,9,10 and 11 in the basement of the Society. It is alleged that as a result of the unauthorised construction, nuisance is caused by Swiggy, Instamart and gym operated in the society.
3. The Petitioner has made a representation to the Assistant Engineer-MCGM and Engineer of the concerned ward complaining



about the unauthorised constructions

4. The learned counsel for the Corporation stated that a speaking order was passed on the basis of the previous complaint made and demolition was carried out. It is submitted by the petitioner that even after the demolition, the respondent Nos.5 and 6 carried out illegal construction.

5. Since the representation has been made by the Society on 19<sup>th</sup> December 2025 to the Assistant Engineer, D-Ward of the Corporation, we direct the Assistant Commissioner or Competent Authority of the concerned ward to look into the representation/complaint of the Society and proceed to take appropriate action in accordance with law. If it is the case that Respondent Nos.5 and 6 have reconstructed the unauthorised portion despite the demolition earlier carried out, strict action be initiated in accordance with law after hearing the respondent Nos.5 and 6 and give them a proper opportunity. The representation be taken to its logical conclusion expeditiously and in any case within a period of 10 weeks from the date of communication of this order.

6. Keeping all contentions open, the writ petition is disposed of.

7. If there are any further violations alleged by the Petitioner, liberty is granted to make an appropriate representation which shall be decided on its own merits and appropriate action shall be taken in accordance with law.



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(S.M.MODAK,J.)

(M.S.KARNIK, J.)