

Ashwini

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**ORDINARY ORIGINAL CIVIL JURISDICTION**  
**WRIT PETITION NO. 1566 OF 2023**

Danish Sahab Ahmed & Anr ...Petitioners  
*Versus*  
Municipal Corporation of Greater Mumbai & Ors ...Respondents

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**Mr Ashutosh Mishra, for the Petitioners.**  
**Mr SS Redekar, for Respondent No. 4.**  
**Ms RM Hajare, for the Respondent-BMC.**  
**Mr Mohit Jadhav, Addl. GP, with Nishigandh Patil, AGP, for the**  
**Respondent-State.**

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**CORAM M.S. Sonak &**  
**Kamal Khata, JJ.**  
**DATED: 5th July 2024**

**PC:-**

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1. We direct the BMC to inspect the constructions put up by the Respondent No. 4 as detailed in this Petition and additional Affidavit. Such inspection must be held on 19th July 2024. The BMC must file an inspection report along with photographs by 26th July 2024. Even the Respondent No. 4 is directed to file and serve Reply on or before 26th July 2024. The Respondent No. 4 must disclose full details of the Suit filed in the City Civil Court and the orders made therein.

2. The BMC, along with the inspection report, will also file an Affidavit about the status of execution of its order under Section 351 of the Mumbai Municipal Corporations Act (“MMC”) issued on 12th May 2010.
  
3. Learned Counsel for the Petitioners points out that after the order dated 12th May 2010 was issued, the 4th Respondent filed a Suit before the City Civil Court but in the year 2022, the Suit has been unconditionally withdrawn.
  
4. This, at least prima facie suggest that there is no legal impediment for the BMC to execute its order dated 12th May 2010. Therefore, the BMC must explain the status of this order and the timeline within which the BMC intends to execute the same.
  
5. List the matter on 2nd August 2024.

**(Kamal Khata, J)**

**(M.S. Sonak, J)**