

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

**INTERIM APPLICATION NO. 1354 OF 2026
IN
EXECUTION APPLICATION (L) NO. 6061 OF 2026**

Surendra Shah ...Applicant
vs.
Brihanmumbai Municipal Corporation & Ors. ...Respondents

Mr. Mayur Khandeparkar with Ms. Pooja Kane i/b Mr. Yogesh Adhia for the Applicant/Judgment Creditor.

Mr. Chaitanya Chavan with Mr. Rohit Caikwad i/b Ms. Komal Punjabi for the Respondents No. 1 to 3-BMC.

Mr. Vijay Mankar, AE (Building & Factory) BMC present.

CORAM : **ABHAY AHUJA, J.**
DATE : **23rd MARCH, 2026**

PC. :

1. When the matter is called out, Mr. Khandeparkar, learned Counsel appearing for the Applicant submits that the order dated 4th March, 2026 has not been complied with by the Respondent No.1-Corporation as hardly 20% demolition has been carried out despite directions of this Court to the Commissioner of Police, Mumbai to render full cooperation to the Municipal Corporation, to the officers and engineers involved in the implementation of the order by arranging necessary police force and protection, so that the order of the Division Bench dated 20th June, 2025 is complied with. Mr. Khandeparkar submits that even the compliance report has not been filed as directed

by this Court. Mr. Khandeparkar submits that therefore, this Court may attach the building of the Corporation in terms of prayer Clause 15(b) (i) of the Interim Application as well as the salaries and allowances of the Respondents No. 2 and 3 in terms of prayer Clause 15(b)(ii) till the order dated 20th June, 2025 is complied with in toto and an affidavit be filed by the Corporation before this Court confirming the said compliance.

2. Just when this Court is passing this order, Mr. Gaikwad, learned Counsel appears for the Corporation and tenders across the bar two orders dated 14th March, 2026 and 18th March, 2026 of a Division Bench of this Court in Writ Petition (L) No. 9464 of 2026, submitting that the Corporation has been directed not to proceed with the demolition of Shops No. 5 to 7 which are in occupation of the Petitioners herein. Mr. Gaikwad submits that earlier Shops No. 1 to 4 have already been demolished as has been recorded in order dated 14th March, 2026 of the Division Bench in the Writ Petition (L) No. 9464 of 2026. Mr. Gaikwad submits that the Writ Petition before the Division Bench is at the moment being argued.

3. Mr. Khandeparkar submits that no notice of the said Writ Petition has been given to the Applicant nor the Applicant has been made a

party to the said Petition. However, if this Court keeps back the matter, he would be in a position to appear in the matter being argued before the Division Bench.

4. Accordingly, the matter is kept back.

5. Just when the above order is passed, Ms. Kane, learned Counsel assisting Mr. Khandeparkar has entered the Court Room and Mr. Khandeparker, on instructions, submits that since the Division Bench was not entertaining the Writ Petition, the Writ Petition (L) No. 9464 of 2026 has been withdrawn by the Petitioners therein.

6. Mr. Khandeparker submits that if that be the case, this Court may direct the Corporation to carry out the demolition in accordance with the order of the Division Bench dated 20th June, 2025 in a time bound manner, failing which the attachment as prayed for be granted.

7. Mr. Chavan, learned Counsel appearing for the Corporation submits that out of the nine structures, four structures have already been demolished and the demolition of the other structures will be carried out in accordance with the order of this Court dated 20th June, 2025.

8. Having heard the learned Counsel and having considered the submissions, the following order is passed:-

ORDER

(i) Keeping the contentions of the Applicant with respect to the contempt proceedings open, the Respondents to carry out demolition of all the structures on the writ land viz land no. 13, Survey No. 156(part), Hissa No. 6(part), corresponding to CTS No. 27, admeasuring 921 square yards or 771.60 square meters, situated at village Pahadi, Haji Bapu Road, Malad (East), Mumbai-400 097, within a period of one week.

(ii) It is reiterated that the Commissioner of Police, Mumbai to render full co-operation to the Municipal Corporation and the officers and engineers involved in the implementation of this order by arranging necessary police force and protection, so that the work of demolition as directed by this Court vide order dated 20th June, 2026, the SLP in respect whereof has already been dismissed on 9th December, 2025 can be smoothly completed.

9. List on 30th March, 2026 under the caption "For Compliance".

10. Mr. Chavan requests for 2nd April. At his request, list on 2nd April, 2026. However, Mr. Khandeparkar request for 1st April, 2026. Accordingly, list on **1st April, 2026** under the caption “For Compliance”.

11. Let a compliance report with respect to this order be filed by the Respondent-Corporation by the next date with copy to the others.

12. Let objections to the Execution Application be removed and registered number be obtained by the next date.

(ABHAY AHUJA, J.)