



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (L) NO. 13229 OF 2025

Spectra Motors Limited

...Petitioner

Versus

The Municipal Corporation of Greater Mumbai (MCGM)

...Respondent

WITH

WRIT PETITION NO. 1940 OF 2024

Mr. Nitin G. Thakkar, Senior Advocate, a/w Mr. Shrey Fatterpekar, Mr. Nirav Marjadi, Ms. Srushti Mehta, Ms. Rebha Dogra, Mr. Kushal Harnesha i/b Solicis Lex for Petitioner.

Ms. Rutuja Bodake i/b Ms. Meena Dhuri & Ms. Komal Punjabi for Respondent-BMC.

Mr. Ashish L. Mundada, Jr. Engineer, (Main) P/North ward, present.

Smt. Uma Palsuledesai, AGP, for Respondent-State in WP/1940/2024.

CORAM: G. S. KULKARNI &
ARIF S. DOCTOR, JJ.

DATE: 08th JULY 2025

P.C.

1. Today, *prima facie*, the proceedings are listed before us for continuation of the ad-interim orders which were already passed on 2nd May, 2025 by a co-ordinate

Bench. The said order reads thus:

- “1) Smt. Dhuri, waives notice on behalf of Respondents and seeks time to file a detailed reply of Respondent No.3.
- 2) At her request, stand over to 30th June, 2025.
- 3) Till the returnable date, ad-interim relief in terms of prayer clause (c).”



2. Although such protection is granted, we called upon Mr. Thakkar, Senior Counsel for the Petitioner, to point out as to whether the Petitioner makes out a *prima facie* case for grant of an ad-interim order or continuation of the ad-interim relief so that we can record appropriate reasons, whether such reliefs be continued/granted, we find from the notice dated 21st April, 2025 issued under Section 314 of the Mumbai Municipal Corporation Act, 1888, that the Assistant Commissioner in a plan annexed to the said notice has marked the structures which are in the nature of large temporary structures put up without any permission being availed from the Municipal Corporation. We find from the notice that structure which has been described as objectionable is stated to be permanent/temporary structure/porta cabin/sheds at CTS No. 338/3, 338/4, 338/11 and 307/72 on the land in question. If it is a permanent or temporary structure which is constructed without permission, necessarily such structure has to be removed and the Corporation would be held to be justified in respect of whosoever is the owner of the land in question.
3. Insofar as the porta cabin is concerned, whether it can be considered to be as a movable, needs to be considered. Insofar as sheds are concerned, the huge temporary sheds would also required to be put up only after obtaining appropriate construction. We find from the photographs which are annexed that the so called shed appears to be as good as permanent structures which cannot be permitted unless a valid permission is granted by the Municipal Corporation. It also cannot be said that we permit the Petitioner to now regularize after such construction is put up, as any illegal construction as it is a settle principle of law that any illegal



construction which is put up cannot be permitted to be regularized and only bona fide deviations can be permitted to be regularized as recently held by the Supreme Court.

4. Mr. Thakkar, rightly so in these circumstances, intends to reconsider the position of the Petitioners and on certain materials, which he states that the Petitioners have obtained under the Right to Information Act, 2005. Be that as it may, the endeavor of the Petitioner necessarily needs to point out the objectionable structure/construction is legal and valid and was authorized by the Municipal Corporation and that too when the jurisdiction of this Court under Article 226 of the Constitution is invoked..

5. Stand over to **15th July, 2025 (HOB)**.

6. Let a short affidavit on behalf of the Municipal Corporation be placed on record.

7. Ad-interim orders granted earlier shall continue to operate till the adjourned date of hearing.

(ARIF S. DOCTOR, J.)

(G. S. KULKARNI, J.)