

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

WRIT PETITION (L) NO.14690 OF 2025

Hare-Rama Hare-Krishna Welfare

... Petitioner

Vs.

The Municipal Corporation of Greater

Bombay

... Respondent

Mr. Dinesh Tiwari for the Petitioner.

Ms. Jyoti V. Mhatre i/by Komal Punjabi for the Respondent-Corporation.

Mr. Pravin Mukuk, Sub Engineer, B & F Department, P/N Ward is preent.

CORAM : ARIF S. DOCTOR, J.

DATE : 14TH MAY 2025

[VACATION COURT]

P.C. :

1. The captioned Writ Petition impugns a speaking Order dated 12th April 2025, by which the Respondent Corporation had called upon the Petitioner to remove the unauthorised structure (more particularly described in the Petition) within a period of 15 days from the receipt of the said order, failing which the same will be demolished by the Respondent Corporation. The said Order also puts the Petitioner to notice that the Petitioner shall be punished with imprisonment under Section 475-A of the Mumbai Municipal Corporation Act, 1888.

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2. The submission of Learned Counsel for the Petitioner is that the impugned structure has been in existence since the year 1963 and was constructed after taking due permission. On a query put to Learned Counsel for the Petitioner as to how he justify the basis for contending that the structure in question was constructed after obtaining permission, he has invited my attention to a receipt for payment towards the Property Tax for the year 1963-64 issued by the Corporation in the name of Sukur Bhandari, who he submits, is the predecessor in title of the Petitioner. Apart from this, he has also placed reliance upon a decision of the City Civil Court in which interim relief had been granted to the Petitioner. He has also invited my attention to the Municipal Tax Bill of the year 2007 in support of his contention that since the year 2007, the Petitioner has been discharging the property tax in respect of the structure in question and that the said structure has not been constructed without due permission. It is on this basis, he submits that the action of the Respondent Corporation, in calling upon the Petitioner to demolish the said structure, was untenable and thus seeks interim reliefs.

3. Learned Counsel appearing on behalf of the Respondent Corporation submits that the submission of the Petitioner is misconceived. She has invited my attention firstly to the fact that the decision of the City Civil

Court, upon which reliance was placed by the Petitioner, pertains to another structure and not the structure in question. In support of her contention, she points out a Notice dated 23rd August 2007, which was challenged before the City Civil Court. She submits that the said notice pertains to entirely different address. Equally, she points out that the contention that the suit structure was in existence since the year 1963 is plainly belied by the Petitioner's own letter dated 27th April 2022, which was addressed in response to the notice issued by the Corporation, which specifically sets out that the residential society was built up in the year 2005.

4. Having due regard to the submissions made, I am not inclined to grant any ad interim reliefs.

5. Let the Petition be come up in regular course.

(ARIF S. DOCTOR, J.)