

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
INTERIM APPLICATION (L) NO.25641 OF 2024
IN
SUIT NO.291 OF 2024**

Estep Nagar CHS Ltd. ... Applicant

In the matter between

Estep Nagar CHS Ltd. ... Plaintiff

Versus

Vastu Darshan Developers LLP & Ors. ... Defendants

Mr. Shanay Shah a/w Mr.Tushar Gujar and Deep Madnani i/b
SL Partners for the Plaintiff/Applicant.

Mr. G.C. Singh a/w Ms.Richa Singh for Defendant No.1.

Mr. Christopher D'souza i/b Pradish Suvarna for Defendant
No.2.

Mr. G.O. Giri i/b Komal Punjabi for BMC.

CORAM : Jitendra Jain, J.

DATED : 3 October 2025

PC:-

1. This Interim Application was filed in July 2024 and till today the office objections have not been removed. There is no justification for the same.

2. Therefore, the Plaintiff is directed to remove office objections within a period of four weeks from today, subject to payment of cost of 25,000/- in favour of Tata Memorial Hospital, Parel, to be paid within a period of four weeks from today,

3. If the cost is not paid and/or office objections are not removed within the time limit specified, the Interim Application will be dismissed without recourse to the Court.

4. This Interim Application is taken out by the Plaintiff seeking prayer and direction against Defendant No.6-Corporation to demolish the illegal compound wall between Wing C and Wing D of the suit property.

5. The learned counsel for the Plaintiff submits that pending the present Interim Application, the Corporation has issued notice under Section 53(1) read with Section 52(1)(b) and (d) of the Maharashtra Regional and Town Planning Act, 1966, calling upon the Defendants to show cause as to why the wall should not be demolished. The said notice was issued on 18 September 2025 and is made returnable within 30 days, which expires around 18 October 2025.

6. Defendant Nos.1 and 2 states that this notice has not been served on them.

7. Without going into the issue whether the notice was served or not, the Court has provided notice of 18 September 2025 to the respective Advocates representing Defendant Nos.1 and 2, so that the grievance of non service of notice henceforth cannot be raised. Defendant Nos.1 and 2 to file their Reply to the said notice to the Corporation, within a period of 30 days from today.

8. The concerned Officer of the Corporation to give notice of personal hearing to the Plaintiff and all the Defendants and

after hearing all the Parties and considering the objections and submissions raised, pass a reasoned order deciding the said notice of 18 September 2025, within a period of four weeks from the date of hearing.

9. If any party is aggrieved by the order passed by the concerned Officer of the Corporation, he/she will be at liberty to challenge the same in accordance with law.

10. I have not agitated on the merits of the issue raised in the present Interim Application and all the contentions of all the Parties are kept open to be canvassed, before the concerned Officer, who has issued the notice.

11. If the cost is not paid within the time specified and the office objections are not removed, then the present order will not be operative.

(Jitendra Jain, J)