

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

(904) WRIT PETITION NO. 3521 OF 2025

Saba Qasim Kutty ...Petitioner
Versus
The Municipal Corporation of Greater
Mumbai (MCGM) & Ors. ...Respondents

**AND
(905) WRIT PETITION (L) NO. 37791 OF 2025**

Sharifa Mohd Shabbir Shaikh ...Petitioner
Versus
The Municipal Corporation of Greater
Mumbai & Ors. ...Respondents

**AND
(906) WRIT PETITION (L) NO. 37793 OF 2025**

Yasmin Mohd Hussain Zatkal ...Petitioner
Versus
The Municipal Corporation of Greater
Mumbai & Ors. ...Respondents

Mr. Vedchetan Patil a/w Adv. Delzeen Dastoor for the Petitioner in
WP/3521/2025 & for Respondent No.5 in WP(L)/37791, 37793 of
2025.

Mr. Rohit Joshi a/w Ms. Ruksar Ansari, Mr. Nitin Mayekar i/by Mr.
Vinayak Katti, Advocate for the Petitioners in WP(L)/37791, 37793
of 2025 & for Respondent Nos.10 & 11 in WP/3521/2025.

Mr. Satish Muley a/w Mr. Mosin Naik, Mr. Zhoab Sayyed,
Advocate for Respondent Nos.2, 7, 8 & 13 in WP/3521/2025.

Ms. Rutuja Bodake i/by Ms. Komal Punjabi, Advocate for the
Respondent/BMC in WP/3521/2025.

Ms. Manisha Gawade, AGP for Respondent No.3/State in WP(L)/37791/2025.

Mr. Prashant Kambale, AGP for the Respondent/State in WP(L)/37793/2025.

Ms. S.V. Tondwalkar i/by Ms. Komal Punjabi, Advocate for the Respondent/BMC in WP(L)/37791, 37793 of 2025.

Mr. Rameshwar Wakale, Asst. Engineer (B & F) 'A' Ward, Officer Present.

V.N. Sangale, Asst. Divisional Fire Officer, Present

CORAM : RAVINDRA V. GHUGE

&

ASHWIN D. BHOBE, JJ.

DATE : 9th DECEMBER, 2025

P.C. :-

1. On 6th October, 2025, considering the seriousness of the issue, we had passed the following order :-

*“1. **Issue notice to the Respondents**, returnable on 26th November, 2025. The learned Advocate Ms. Bodake waives service of notice on behalf of Respondent No.1. The learned Advocate Mr. Naik also waives service of notice on behalf of Respondent Nos.2, 7, 8 and 13.*

2. Let the affidavits in reply be filed, at least, ten days prior to the returnable date.

3. In the meanwhile, the Corporation shall conduct a fire audit in the concerned building, and if it finds any structures by which the firefighting mechanism has been compromised or the firefighting protocol is violated, the report shall be submitted to this Court on the next date.”

2. The learned Advocate for the Corporation has tendered a compilation of the report from the Mumbai Fire Brigade (4 Pages) in Writ Petition No.3521 of 2025. The same is taken on record and collectively marked as 'X-1' for identification. The learned Advocate for the Corporation has also tendered a compilation of the reports from the Assistant Engineer (Building and Factory) Incharge 'E' Ward in Writ Petition (L) Nos. 37791 of 2025 (11 Pages) and in Writ Petition (L) No.37793 of 2025 (4 Pages). Both the reports are taken on record and collectively marked as 'X-1' for identification, in those Petitions.

3. In the above reproduced order, we had specifically directed the Corporation to conduct the fire audit in the concerned building and submit a report to the Court, if it finds that the firefighting mechanism or the safety measures as against fire have been compromised or the firefighting protocol is violated.

4. The report 'X-1' in Writ Petition No.3521 of 2025 is a shocker for us. The Mumbai Fire Brigade has conducted the inspection of the building. The building comprises of part basement+ground+12 floors. The ground floor is used for

shops/commercial purposes and the upper floors are for residential purposes. On the rear side, the parking area is converted into a temporary structure and is used for dwelling purpose for security guards/public and a constructed room in between the ground and first floor. From the first floor to the 7th floor, electrical duct and fire duct adjoining the areas of the lift shaft, have been converted into rooms and extended upto the rear side. All, first to 7th floors of such illegal structures, are occupied by the tenants.

A refuge area is also not provided as per the Chief Fire Officer Department's approved plan on the 8th floor, which is also occupied by the tenants. Four numbers of syntax plastic water tank were to be provided over the terrace level and part of the 12th floor construction, which are incomplete.

The report further indicates that the fixed firefighting installation system as per fire safety requirements, such as wet riser, external hydrants, automatic sprinkler, smoke detection system, fire pumps, booster pump, sprinkler pump, jockey pump, alternate source electricity supply, fire extinguishers, fire alarm system with main control panel at the ground floor and pill boxes and hooters at each upper floor, public address system, signage's refuge area on 8th floor, overhead water tanks etc. are not provided, as on the date of

the inspection, which was conducted on 16th October, 2025.

All such illegal structures cannot be regularized by any stretch of imagination, much less, under the provisions of law.

5. Under the compilation 'X-1' in Writ Petition No.3521 of 2025, the Mumbai Fire Brigade has also tendered parawise reply to the Writ Petition. The details of the report on Page No.1 below 'X-1' in Writ Petition No.3521 of 2025, are set out in the said reply from Page Nos.2 to 4, below 'X-1'.

6. We are horrified by the report. On the one hand, we appreciate the dutifulness and sincerity visible from the report tendered by the Assistant Divisional Fire Officer, Mumbai Fire Brigade and the Deputy Chief Fire Officer, R-I, Mumbai Fire Brigade. It is a frank and straightforward report. On the other hand, an Occupation Certificate is also not issued. Yet, residents have been allowed to enter the premises and occupy the tenements, and the building is now almost fully occupied. What is extremely shocking is that the electrical duct and fire duct adjoining the lift shaft, are converted into rooms from the first floor to the 7th floor and are occupied by the tenants and a refuge area is not provided.

7. We, therefore, direct the Corporation to immediately initiate steps for issuing notices for eviction, if not already issued, to the occupants of such rooms and areas, which should have been utilized for the purpose of fire safety and firefighting protocol,. Thereafter, these rooms which are constructed by converting the electrical duct and fire duct, should be demolished and the ducts should be restored. Thereafter, the Corporation shall initiate steps to ensure from the builder that the firefighting system is put in place without delay and on a war footing.

8. We also direct that the builder, who has converted such electrical ducts and fire ducts into rooms, should be taken to task by following the due procedure laid down in law, by issuing notices, if not already issued, as to why such a builder should not be subjected to a serious action as may be permitted by law.

9. The learned Advocate for the Corporation informs us that notices have already been issued to the occupants and steps are being initiated.

10. We are listing this Petition on **8th January, 2026**, in the **‘Urgent Supplementary Board’**. The Respondents in these matters, if desired, should file their affidavits in reply on or before 22nd December, 2025. Thereafter, the Registry would not accept their replies.

11. Those who desire to voluntarily take out the offending structures, have the opportunity until the next date in this matter, to do so at their own costs, with due intimation to the Corporation.

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)