

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

(911) WRIT PETITION NO.3521 OF 2025

Saba Qasim KuttyPetitioner

Versus

The Municipal Corporation of
Gr. Mumbai & Ors.Respondents

WITH

(912) WRIT PETITION (L) NO.37791 OF 2025

Sharifa Mohd. Shabbir ShaikhPetitioner

Versus

The Municipal Corporation of
Gr. Mumbai & Ors.Respondents

WITH

(913) WRIT PETITION (L) NO.37793 OF 2025

Yasmin Mohd. Hussain Zatkal & Ors.Petitioners

Versus

The Municipal Corporation of
Gr. Mumbai & Ors.Respondents

Mr. Rahul Kedar a/w. Ms. Delzeen Dastoor i/b. Mr. Vedchetan Patil
for the Petitioner in WP/3521/2025.

Mr. Rohit Joshi a/w. Mr. Vinayak V. Katti, Ms. Rukhsar Ansari and
Ms. N.D. Mayekar i/b. Ms. Rukhsar Ansari for the Petitioners in
WPL/37791/2025 and WPL/37793/2025 and for Respondent Nos.10
and 11 in WP/3521/2025.

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

Mr. Vedchetan Patil a/w. Ms. Delzeen Dastoor for Respondent No.5
in WPL/37791/2025 and WPL/37793/2025.

Ms. Anjali Ghuge for Respondent No.1 in WP/3521/2025 and for
Respondent Nos.1 and 2 in WPL/37791/2025 and
WPL/37793/2025.

Mr. Shamrao B. Gore, AGP for Respondent No.3 in
WPL/37791/2025.

Mr. Prashant Kamble, AGP for Respondent No.3 in WPL/37793/2025.

Mr. Nikhil Kulkarni, Junior Engineer, (B&F), 'E' Ward present.

**CORAM : RAVINDRA V. GHUGE
&
ABHAY J. MANTRI, JJ.**

DATE : 3rd FEBRUARY, 2026

P.C. :-

1. On 9th December, 2025, we had passed a detailed order. The offending structures were either to be removed by the occupants or were to be demolished by the Corporation. Due to the Code of Conduct, the demolition was postponed to 27th January, 2026 and 31st January, 2026.

2. Today, the learned Advocate for the Corporation submits that the occupants on floor nos.6 and 7 have demolished those portions which had encroached upon the electricity supply ducts and had compromised the fire-fighting norms. It is brought to our notice that the original approved plans indicate small areas of approximately 180 sq. ft., which were actually storehouses for the individual flats. These storehouses were sold surreptitiously by the builder and access to such storehouses, to be used as residential

premises, was provided by the builder by encroaching upon the electricity supply ducts and the fire-fighting area. With the demolition of such entrances and encroachment, the storehouses can no longer be accessed by those who have purchased the same from the builder, who has sold them fraudulently.

3. The learned Advocate further submits that some of the occupants of such storehouses on floor nos.1 to 5, 8 and 12, have not demolished the structures and have instead put up locks only to thwart the demolition.

4. In view of the above, we call upon the Corporation to use its powers under the statutes and, by taking appropriate police assistance and by carrying out a panchnama, ensure that the offending structures are demolished. If we find that the Corporation is putting forth excuses similar to those put forth earlier, we may be constrained to issue appropriate directions to be implemented by the Commissioner of the Corporation.

5. The complaining Respondents have informed us that an officer by the name, Mr. Nikhil Kulkarni, was attempting to

persuade the Petitioner in Writ Petition No.3521 of 2025, to withdraw the complaints against the offending structures. Considering the allegations, his conduct is under a scanner. We do not wish to get into this controversy. Suffice it to say that, we direct the Assistant Engineer having jurisdiction on behalf of the Corporation in 'E' Ward, to depute another officer in place of Mr. Nikhil Kulkarni, to ensure that our orders are implemented.

6. Needless to state, the ducts as well as the fire-fighting areas from the ground floor to the topmost floor, which are not in conformity with the approved plans, shall be demolished even if there is a partial demolition. Let the demolition be conducted as per the scheduled plan on 9th February, 2026 and 10th February, 2026.

7. List the Petition on **20th February, 2026** for recording compliance.

(ABHAY J. MANTRI, J.)

(RAVINDRA V. GHUGE, J.)