

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

**WRIT PETITION (L) NO.34800 OF 2022**

Rajesh Narayan Vartak and Ors.

.. Petitioners

v/s.

The Municipal Corporation of  
Greater Mumbai and Anr.

.. Respondents

**WITH**

**WRIT PETITION (L) NO.34865 OF 2022**

Mahendra Nathuram Salunkhe

.. Petitioner

v/s.

The Municipal Corporation of  
Greater Mumbai and Ors.

.. Respondents

Mr. Pradeep Thorat a/w. Ms. Prayada Raut i/by Mr. S. S. Redekar, for the petitioner in WPL/34800/2022.

Mr. Arjun Kadam, for the petitioner in WPL/34865/2022.

Ms. Pooja Yadav i/by Mr. Sunil Sonawane, for the respondent – MCGM in both Writ Petitions.

Mr. Amol Gavitt – Assistant Engineer (Main)-3, G/North Ward Dadar.

Mr. Suhas Mali, J.E., Mr. Sandip Kadam, J.E., present in the Court.

**CORAM : R.D. DHANUKA &**

**KAMAL KHATA, JJ.**

**DATED : 11TH NOVEMBER, 2022.**

**P.C. .**

1. The learned counsel for the Municipal Corporation seeks time to take instructions and to file an affidavit. She further at this stage states that in view of the complaint received by the Municipal Corporation from the Upendra Nagar Cooperative Society, the Municipal Corporation had initiated action of demolition of the offending structures.
2. Per contra, the case of the petitioners is that, the petitioners are the tenants of various stalls from which the petitioners have been carrying out the business of selling flowers. According to the petitioners, the Municipal Corporation has illegally demolished the shutters of the stalls of the petitioners.
3. According to the petitioners, they are continuing their business of selling flowers on the said premise in an open area.
4. Affidavit in reply shall be filed within two weeks from today with a copy to be served upon the petitioner's advocate simultaneously. Rejoinder, if any, shall be filed within one week thereafter.
5. The Municipal Corporation shall not carry out any further demolition of the offending structure. The petitioners are also not to carry out any construction, alteration of any nature, whatsoever without prior sanction of the Municipal Corporation.

6. The Municipal Corporation is directed to remove vehicle parked in impugned writ premises within 48 hours from today without fail. The petitioners are directed not to allow any encroachment in or around the writ property till further orders. This Court will decide on the next date, whether the Municipal Corporation was entitled to initiate action of demolition and if so, under which provisions of law and whether any law was required to be followed for carrying out such demolition or not. Copy of the complaint received by the Municipal Corporation shall be served upon the learned counsel for the petitioners within three days from today.

7. Place the matter **High on Board** on 5<sup>th</sup> December 2022.

8. Parties to act on the authenticated copy of this Order.

**(KAMAL KHATA, J.)**

**(R.D.DHANUKA, J.)**