

SQP

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION (LODGING) NO. 390 OF 2015
IN
PUBLIC INTEREST LITIGATION NO. 45 OF 2012**

St. Mathew High School

...Applicant

IN THE MATTER BETWEEN :

Ali Asgar Mohammed Tahsildar

...Petitioner

Versus

State of Maharashtra & Ors.

...Respondents

Mr. Vikhil Dhoke with Ms. Vaishali Raghuwanhsi and Ms. Anisha Singh
for the Applicant

Mr. Sushil Upadhye I/b Mr. A. M. Saraogi for the Petitioner

Mr. J. S. Saluja, A.G.P for the Respondent – State

Ms. Neha Bhide for the Respondent – MHADA

Ms. Trupti Puranik for the Respondent – BMC

**CORAM : A. S. OKA &
REVATI MOHITE DERE, JJ.
MONDAY, 13th JULY, 2015**

P.C. :

1. Heard learned Counsel appearing for the applicant (St. Mathew High School). The learned Counsel appearing for the applicant is relying upon Conveyance Deed dated 30th July, 2007. The applicant claims that the School has been constructed on land bearing Survey No. 132, Hissa No. 8,

CTS No. 3235 admeasuring 571.80 sq. ft. at Village Malwani, Taluka Borivali, Mumbai Suburban District. The applicant claims that the said land was purchased under the aforesaid Conveyance Deed dated 30th July, 2007 executed by one Mrs. Larzy Vargheese.

2. The learned Counsel appearing for the applicant pointed out that the subject matter of PIL is the Schools unauthorisedly conducted on lands held by the Government and Semi-Government Organisations. However, learned Counsel appearing for the Mumbai Municipal Corporation pointed out that the notice under Section 351 of the Mumbai Municipal Corporation Act, 1888 has already been issued to the applicant on 10th July, 2015 by pointing out that applicant has carried out illegal construction.

3. Though no relief can be granted in the main PIL in respect of the land subject matter of Conveyance Deed dated 30th July, 2007, the Mumbai Municipal Corporation will have to take all further steps on the basis of the aforesaid notice under Section 351 of the Mumbai Municipal Corporation Act, 1888, in accordance with law.

4. Subject to the above clarification and directions, Notice of Motion is disposed of by clarifying that the orders which may be made in this PIL will not affect the property subject matter of Conveyance dated 30th July, 2007. Accordingly, the name of the applicant as party respondent in the PIL stands deleted.

(REVATI MOHITE DERE, J.)

(A. S. OKA, J.)