

SQP

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION (LODGING) NO. 391 OF 2015
IN
PUBLIC INTEREST LITIGATION NO. 45 OF 2012**

Mt. Marry High School

...Applicant

IN THE MATTER BETWEEN :

Ali Asgar Mohammed Tahsildar

...Petitioner

Versus

State of Maharashtra & Ors.

...Respondents

Mr. Vikhil Dhole 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 (Mt. Marry High School). The learned A.G.P on instructions confirms that the School of the applicant is situated on the land bearing Survey No. 110/17, City Survey No. 2845, admeasuring 1212.4 sq. mtrs. at Village Malwani,

Mumbai Suburban District, which is not a land vested in the State Government. The learned Counsel appearing for the Mumbai Municipal Corporation states that a notice under Section 351 of the Mumbai Municipal Corporation Act, 1888 has been served to the applicant.

2. Considering the prayers made in the PIL, the directions which may be issued in the PIL will not apply to the aforesaid land. Accordingly, the name of the applicant as a party respondent in the PIL stands deleted. However, the Mumbai Municipal Corporation shall 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.

3. Subject to above clarification, Notice of Motion is disposed of.

(REVATI MOHITE DERE, J.)

(A. S. OKA, J.)