

SQP

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION (LODGING) NO. 412 OF 2015
IN
PUBLIC INTEREST LITIGATION NO. 45 OF 2012**

St. Paul 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. Not on Board. Taken on Board and heard along with the group
of companion Notices of Motion in PIL No. 45 of 2012.

2. Heard learned Counsel appearing for the applicant (St. Paul High School-respondent No. 10 in the PIL). He states that the applicant School is being run on land admeasuring 836 sq. mtrs. out of Survey No. 118, Plot Nos. 7 and 8 bearing City Survey No. 3327 in Village Malwani, Taluka Borivali, Mumbai Suburban District. Learned A.G.P on instructions confirms that the School run by the applicant is not on a Government land.

3. 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 already issued to the applicant on 10th July, 2015.

4. Considering the prayers made in the main PIL, we dispose of the Notice of Motion by passing the following order :

ORDER

(a) The structure on the land subject matter of the Sale Deed dated 3rd December, 1974 (Exhibit 'B' to the affidavit in support of the Notice of Motion) will remain unaffected by the reliefs which may be granted in the PIL.

(b) Name of the respondent No.10 from the main PIL stands deleted.

(c) We, however, make it clear that Mumbai Municipal Corporation will proceed with the notice issued under Section 351 of the Mumbai Municipal Corporation Act, 1888 in accordance with law.

(REVATI MOHITE DERE, J.)

(A. S. OKA, J.)