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

**NOTICE OF MOTION (LODGING) NO.470 OF 2015
IN
PUBLIC INTEREST LITIGATION NO. 45 OF 2012**

NTCC High School

...Applicant

IN THE MATTER BETWEEN

Ali Asgar Mohammed Tahsildar

...Petitioner

Versus

The State of Maharashtra & Ors.

...Respondents

Mr.Vijay Pande i/b Ms.Jyoti Pandey, for the Applicant/Respondent No.7.

Mr. Sushil Upadhye and Mr.Vikas Singh Goor i/b Mr. Ashok M. Saraogi for the Petitioner.

Mr. Nikhil Dhoke with Ms. Vaishali Raghuwanshi and Ms. Anisha Singh for the Respondent Nos. 4, 9, 10 and 14.

Mr. Tushar Gujar with Mr. Ameet Mehta i/b Solicis Lex for the Respondent Nos. 6, 8, 11, 12, 15 and 16.

Mr.Ameet Mehta a/w Ms.Dipti Shah a/w Ms.Pratiksha Shetty, for the Respondent No.13.

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

**CORAM: A. S. OKA &
REVATI MOHITE DERE, JJ.**

DATED : 5th AUGUST, 2015.

P.C.

1. Heard the learned counsel appearing for the respondent no.7 in the PIL, who is the applicant in this Notice of Motion.

2. It is not in dispute that the school run by the respondent no.7 is not on a public property. 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 respondent no.7.

3. The learned counsel appearing for the respondent no.7 relies upon annexures to the affidavit-in-support of Notice of Motion and submits that the construction has been regularized by the Mumbai Municipal Corporation and copies of the relevant plans have been filed with the Mumbai Municipal Corporation.

4. Hence, the Notice of Motion is made absolute in terms of prayer clause (a). We make it clear that the Mumbai Municipal

Corporation shall proceed with the notice under Section 351 of the Mumbai Municipal Corporation Act, 1888 in accordance with law. The issue whether the structure of the school has been regularized will have to be decided by the Municipal Corporation while dealing with the notice under Section 351 of the Mumbai Municipal Corporation Act, 1888. All questions on that behalf are kept open.

(REVATI MOHITE DERE,J.)

(A.S. OKA,J.)