

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

***NOTICE OF MOTION (L) NO. 542 OF 2014
IN
WRIT PETITION NO. 591 OF 2013***

Mr.Hasinuuddin Ansari s/o Abdul S. Ansari ... Applicant

In the matter between -

M/s.Mama and Sons ... Petitioner

v/s

Municipal Corpn. of Gr. Mumbai & ors. ... Respondents

Mr.L.H. Hingu for the applicant.

Ms.Shobha Ajithkumar for the respondent Corporation.

***CORAM: SMT. VASANTI A. NAIK &
SHRI C. V. BHADANG, JJ.***

DATED : 23TH FEBRUARY 2015

P.C.:

Heard.

By this notice of motion, the applicant seeks a declaration that the applicant is entitled to seek alternate accommodation as the structure of the applicant was in existence prior to the datum line.

It is stated on behalf of the applicant that the applicant was

required to file the notice of motion in stead of filing appropriate proceedings in view of the directions of this Court in the order dated 18th October, 2013 that applications for challenging the notices and action in furtherance thereof should be filed in this petition and then alone they would be considered.

Since the learned counsel for the applicant seeks the declaration that the applicant is entitled for grant of permanent alternate accommodation, it would not be proper to decide this issue in this notice of motion. The applicant has not challenged the notice of demolition and has only sought a declaration that he be granted permanent alternate accommodation. In fact, the applicant is challenging the order of the Corporation declining permanent alternate accommodation to him.

Hence, we dispose of the notice of motion with liberty to the applicant to file appropriate proceedings.

(C. V. BHADANG, J.)

(VASANTI A. NAIK, J.)