

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**APPEAL FROM ORDER (ST) NO. 1350 OF 2018
WITH
CIVIL APPLICATION (ST) NO. 1351 OF 2018**

Devidas Ganpat Chothave ... Appellant
Versus
The Municipal Corporation for Gr.Bombay ... Respondent

**WITH
APPEAL FROM ORDER (ST) NO. 1352 OF 2018
WITH
CIVIL APPLICATION (ST) NO. 1354 OF 2018**

Smita Sanjay Mate ... Appellant
Versus
The Municipal Corporation for Gr.Bombay ... Respondent

**WITH
APPEAL FROM ORDER (ST) NO. 1353 OF 2018
WITH
CIVIL APPLICATION (ST) NO. 1355 OF 2018**

Raju T. Poojari ... Appellant
Versus
The Municipal Corporation for Gr.Bombay ... Respondent

**WITH
APPEAL FROM ORDER (ST) NO. 1356 OF 2018
WITH
CIVIL APPLICATION (ST) NO. 1357 OF 2018**

Snehkant Baborao Dongre ... Appellant
Versus
The Municipal Corporation for Gr.Bombay ... Respondent

**WITH
APPEAL FROM ORDER (ST) NO. 1358 OF 2018
WITH
CIVIL APPLICATION (ST) NO. 1359 OF 2018**

Atmaram Tanoo Sakpal ... Appellant
Versus
The Municipal Corporation for Gr.Bombay ... Respondent

**WITH
APPEAL FROM ORDER (ST) NO. 1360 OF 2018
WITH
CIVIL APPLICATION (ST) NO. 1361 OF 2018**

Vilas Anaji Yadav ... Appellant
Versus
The Municipal Corporation for Gr.Bombay ... Respondent

**WITH
APPEAL FROM ORDER (ST) NO. 1362 OF 2018
WITH
CIVIL APPLICATION (ST) NO. 1363 OF 2018**

Vinod Bhojraj Gallani ... Appellant
Versus
The Municipal Corporation for Gr.Bombay ... Respondent

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Mr. Harshal N. Mirashi for the Appellants.
Mrs. Madhuri More for Corporation-Respodent.

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CORAM : MRS. MRIDULA BHATKAR, J.

DATE : 19th JANUARY, 2018.

P.C.

1. All these Appeal From Orders are filed challenging the order dated 29/12/2017 passed in various suits thereby rejecting the ad-

interim relief in respect of draft notices of motion. The Corporation has given the notice earlier in the year 2015 under Section 314 and the designated officer has passed the speaking order at the relevant time. It is the case of the Corporation that no documents disclosing the structure was in existence in 1962 were produced by the appellants.

2. Learned Counsel for the appellants submits that all the structures are in the slum area and the structures are cessed. He submits that no opportunity was given by the learned Judge to put up its case.

3. Learned Counsel for the Corporation has filed an affidavit-in-reply of one Shri Vijaykumar N. Sonar who is working as Sub-Engineer Maintenance. Learned Counsel informs that on 29/12/2017 the learned Judge of the City Civil Court in L.C. Suit did not grant any ad-interim protection. The respondent-Corporation has carried out mass demolition of the structure affecting the road widening project and the structures which are unauthorised come in the realignment of the road widening project. All the structures are demolished by the Corporation on

16/01/2018. She submits that all the Appeal From Orders are infructuous in view of the subsequent development. Learned Counsel further submits that the designated officer of the Corporation has already passed a speaking order in respect of the structures on 31/03/2015.

4. Considering the submissions and the documents as are produced would show that the structures are standing in the area which is not declared as slum area. Moreover, in the affidavit, the Corporation has specifically mentioned that this area is a Gaathan and it is not declared as slum and all the structures in appeals are demolished by the Corporation.

5. In view of the above, nothing survives in these appeals. Hence, all the Appeal From Orders are dismissed.

6. In view of dismissal of Appeal From Orders, the pending civil applications do not survive and the same stands disposed of.

(MRS. MRIDULA BHATKAR, J.)