

SSK

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER (ST) NO. 9870 OF 2018

WITH

CIVIL APPLICATION (ST) NO. 10023 OF 2018

IN

APPEAL FROM ORDER NO. 9870 OF 2018

Rajesh Ramshrungar Dubey (Dube) ...Appellant

Versus

The Municipal Corporation of Gr. Mumbai
& Anr ...Respondent

Mr. K. R. Parekh, for the Appellant.

Mrs. Madhuri More, for Respondent no.1/MCGM.

Assistant Commissioner, K/W Ward, Competent Authority
present.

CORAM: Smt. Anuja Prabhudessai, J

DATE : 16th April, 2018.

PC:-

1. The learned Counsel for the Appellant on instructions seeks leave to withdraw the Appeal with liberty to make a representation to Respondent no.2, Assistant Commissioner K-West Ward, Andheri (W), Mumbai-58, to provide alternate premises.

2. Mr. Parekh, the learned Counsel for the Appellant submits that the said representation will be made on or

before 30th April, 2018. The learned Counsel for the Appellant under instructions submits that in the event the request is not accepted and/or the representations is rejected, the Appellant shall remove/ demolish the newly constructed premises within two weeks from the date of receipt of the decision.

3. The learned Counsel for the Appellant further states that the Appellant shall withdraw the Suit after removal of the structure or within two weeks from the date of receipt of the decision. The statements are accepted.

4. The learned Advocate for the Respondent undertakes to maintain *status quo* till the date of the communication of the decision to the Appellant and two weeks thereafter.

5. In the light of the above statement, the Appeal is dismissed as withdrawn. Leave granted to the Appellant to make representation to the concerned Authority on or before 30th April, 2018. The concerned Authority to take a decision on the representation and to intimate to the Appellant the decision so taken. In the event the representation is not accepted, the Appellant herein shall abide by the undertaking and demolish the structure within two weeks from the date of the receipt of the decision or intimation.

6. In the event the Appellant does not abide by the undertaking, the Respondent is free to demolish the structure

after two weeks from the date of communication of the decision.

7. The Appeal is dismissed as withdrawn.

8. In view of disposal of the Appeal, the Civil Application does not survive and is disposed of accordingly.

[Smt. Anuja Prabhudessai, J.]