

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

**APPEAL FROM ORDER NO. 977 OF 2013
WITH
CIVIL APPLICATION NO. 1183 OF 2013**

The Municipal Corporation of Greater Bombay ... Appellant

Versus

Shri Vasupuja Swami Jain Shwetamber
Murtipujak Derasar & Upashraya Trust ... Respondent

.....
Ms. Madhuri More for the Appellant-Corporation.

.....

CORAM : MRS. MRIDULA BHATKAR, J.

DATE : 19th JANUARY, 2018.

P.C.

1. Pursuant to the order dated 24th February, 2015 passed by this Court, this Appeal From Order is heard finally at the stage of admission.

2. Heard learned Counsel for the appellant. None present for the respondent, though, on 15th January, 2018, this Court has mentioned specifically that parties to take note that the matter will be heard finally at the stage of admission as the same is

pending for admission since last five years.

3. Learned Counsel for the appellant-Corporation produces a note of the Executive Engineer (Building Proposals) City-II, dated 30/11/2011, thereby rejecting the proposal for regularisation of the suit structure. The said order discloses that the existence of temple, i.e. the suit structure, prior to datum line is not established conclusively. It is the land owned by the State of Maharashtra. The NOC given by the Collector, if any, is not produced before the authority, as the Corporation has refused to regularise the suit structure.

5. In view of the above the impugned order dated 20th February, 2013 is set aside. The Appeal From Order is allowed and disposed of. In view of disposal of Appeal From Order, Civil Application does not survive and the same is also disposed of.

(MRS. MRIDULA BHATKAR, J.)