

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION (L)NO.3137 OF 2017

Mr.Ram Ugrah Singh for the Petitioner
Mr.U.S.Upadhyay, AGP for the respondent-State
Mr.A.Y.Sakhare, Senior Counsel a/w Ms K.H.Mastakar
for respondent-MMC.

3 The contention of the petitioner, as can be
seen from the petition, is that the subject

structure is situated on a private land which is more particularly described in paragraph 6 of this petition. The petitioner is relying upon certain documents of title. The petitioner is also relying upon the property register card in respect of the land bearing CTS No.855 situated at Kolekalyan, Taluka Bandra, Mumbai Suburban District which shows the name of the private party as holder. In any event, the respondents have not produced any material to show that the structure is situated on a public property. The submission is that due process of law has not been followed by the respondent No.2.

4 The learned counsel for the petitioner states that a part of the structure was demolished. Along with affidavit dated 9th March 2018, he has produced for perusal of this Court photographs of the partly demolished structure. The learned senior counsel for the respondent No.2 has not disputed that only a part of the structure of the petitioner has been demolished.

5 Hence, this case will be governed by the Judgment and Order dated 1st March 2018 passed by this Court in Writ Petition No.454 of 2018. Accordingly, for the reasons recorded therein, we pass the following order:

(I) We direct the respondents that the structure subject matter of this petition as it exists today shall not be demolished without following due process of law as

indicated in the said Judgment and Order dated 1st March 2018;

(II) We make it clear that we have made no final adjudication on the question whether the structure subject matter of this petition is protected and whether the land below the subject structure is a private owned land. These issues will be decided by the respondents in accordance with law;

(III) Rule is made absolute on above terms.

(RIYAZ.I.CHAGLA,J.)

(A.S.OKA,J.)