

Urmila Ingale

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
APPEAL FROM ORDER STAMP NO. 21329 OF 2019

Mr.Kalam Imam Shaikh	.. Appellant
Vs.	
The Municipal Corporation of Greater Mumbai & anr.	.. Respondents

Mr.Imtiyaz A.Ismailsha Patel, for the Appellant.
Mrs.Madhuri More, for the MCGM.
Mr.Kishor Jagtap, Executing Engineer (B&F), 'A' ward present.

CORAM : M.S.KARNIK, J.

DATE : 31st JULY, 2019

P.C. :

. Heard learned Counsel for the appellant & Mrs.More for Corporation. It is the contention of the learned Counsel for the Corporation that the temporary structure being unauthorised structure, action was taken and the same was demolished. It is her case that during the pendency of the suit proceedings, temporary structure consisting of bamboos, tin-sheets and tarpaulin has been reconstructed. Learned Counsel for the

appellant would dispute this position and submit that they have not changed the status-quo since the action of partial demolition was taken by the Corporation.

2. Learned Counsel for the appellant on instructions states that appellant would make an application to Executive Engineer, Building and Proposal City for permission to erect / regularization of the structure mentioned in notice dated 20/03/2018 which is at page 47 of the paper-book. If an application for erecting / regularization of the said structure of the temporary nature is made by the appellant within a period of 3 weeks from today, the Executive Engineer may take an appropriate decision on the same in accordance with law within a period of 2 weeks from the date of receipt of the same.

3. Considering the contentious issue as regards demolition by the Corporation and Corporation's allegation of subsequent re-erection of the temporary structure by the appellant, it is made clear that status-quo existing as on today should be maintained till the decision on the application.

4. Learned Counsel for the Corporation submits that since structure is of bamboos and tin sheets, in the event of any mishap, the Corporation should not be held responsible. Learned Counsel for the appellant on instructions makes a statement that he will not hold anybody responsible in the event of any mishap.

5. Appeal from Order is disposed of in the above terms.

(M.S.KARNIK, J.)