

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 14196 OF 2016**

Shri. Ganesh Mahabal Shetty

... Petitioner

Vs

The Commissioner,

Mira Bhayandar Municipal Corporation

... Respondent

Mr. Suraj N. Naik i/b. R.D. Suryawanshi, Advocate for the
Petitioner.

Mr. M.S. Lagu, Advocate for Respondent.

CORAM : SANDEEP K. SHINDE J.

DATE : July 4th, 2019

P.C. :

1. Petitioner's application for temporary injunction to restrain the defendant/ Corporation from acting upon the impugned notice Ref. No. MNP/PK-3/AV/903/2011-12 dated 20.09.2011 has been rejected by the Learned Judge in Regular Civil Suit No. 552 of 2007 instituted by the petitioner. This order was challenged in Miscellaneous Civil Appeal No. 166 of 2016. However, Learned District Judge dismissed the said appeal. It is against this order dated 07.12.2016 passed in Miscellaneous Civil Appeal No. 166 of 2016,

this Writ Petition is preferred under Article 227 of Constitution of India. It is submitted across the bar by the counsel for the petitioner that the Corporation has not acted upon the given notice. In other words, the Corporation has not demolished the suit structure, though interim protection was declined by the Appellate Court in December, 2016. On the backdrop of this fact, Mr. Lagu, learned counsel for the respondent was requested to take appropriate instructions from the Corporation and verify this fact.

2. Mr. Lagu, learned counsel for the respondent informs that the Corporation has not demolished the structure and further submits that he has instructions that the suit structure shall not be demolished till the conclusion of the trial.

3. In view of the statement made by the counsel for the Corporation, petition is disposed of.

4. The statement made by the Corporation is hereby accepted. However, Learned Trial Judge is requested to dispose of Regular Civil Suit No. 552 of 2007 on merits preferably on or before 31.03.2020. All to act on authenticated copy.

5. Writ petition is disposed of in the aforesaid terms. However, it is made clear that this Court has not examined the matter on merit.

(SANDEEP K. SHINDE, J.)