

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****INTERIM APPLICATION NO. 662 OF 2021****IN****APPEAL FROM ORDER NO. 65 OF 2021**

Asit Co-operative Housing Soc. Ltd.	... Applicant/Appellant
V/s.	
Municipal Corporation of Gr. Mumbai	... Respondent

Mr.C.M. Korde, Senior Advocate a/w. Smt.Monica Parekh, Mr.Uzair Kazi and Mr.Shashi Kumar i/b. YMK Legal for Applicant/Appellant.
Mr.G.S. Godbole a/w. Smt.Madhuri More for Respondent-Corporation.

CORAM : A.S. GADKARI, J.
DATE : 23rd August 2021.

PC. :

1. Heard learned counsel for the respective parties.
2. Mr.Korde, learned Senior counsel for the Applicant/Appellant submitted that, while issuing notice dated 3rd July 2018 under Section 299 of Mumbai Municipal Corporation Act, 1888 (for short, 'M.M.C.Act'), the Competent Authority of Respondent-Corporation has not followed the basic tenet of law, i.e. no specification of the property which is to be acquired by the Corporation is given. That the map or drawing of concerned strip of land is also missing from the said notice. He further submitted that, while passing an Order under Section 306 of M.M.C. Act, the Corporation has failed to comply

with Sub-Section 1 of Section 306 of M.M.C. Act in its proper perspective.

3. Mr.Godbole, learned counsel for the Respondent-Corporation submitted that, due to non annexure of copy of sketch/map of the strip of land to the notice issued under Section 299 of M.M.C. Act has not caused any prejudice to the Applicant/Appellant. He further submitted that, despite the said fact, there is substantial compliance of Section 299 of M.M.C. Act while issuing notice dated 3rd July 2018.

4. Perusal of record prima-facie indicates that, there is substance in the arguments advanced by Mr.Korde, learned Senior counsel for the Applicant/Appellant.

Prima-facie it further appears to this Court from the record that, the said acquisition of land by notice dated 3rd July 2018 is malafide and for the benefit of the developer of the adjoining SRA scheme.

5. In view thereof, ad-interim relief, granted by Order dated 6th November 2020, is confirmed as interim relief.

6. Interim Application is allowed in the aforesaid terms.

[A.S. GADKARI, J.]