

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****APPEAL FROM ORDER NO. 360 OF 2021
WITH
INTERIM APPLICATION NO. 3078 OF 2021**

Ghanasham M. Patel,
Thr. POA Mr. Ankit K. Patel

... Appellant

V/s.

The Municipal Corporation of Greater Mumbai

... Respondent

Mr. Suresh M. Sabrad, Advocate for Appellant.
Smt.Madhuri More, Advocate for Respondent-MCGM.

CORAM : A.S. GADKARI, J.
DATE : 26th October, 2021.

PC. :

1. Admittedly, there is no legal sanction granted by the Respondent-Corporation to construct the suit premises by the Appellant. *Prima facie*, it appears that, the suit structure is wholly unauthorised and illegal structure constructed by the Appellant and/or landlord.
2. In view thereof, Appellant does not deserve to be protected by any relief by this Court.
3. Mr.Sabrad, learned counsel for the Appellant submitted that, the Appellant is in occupation of the suit premises for a substantial period and therefore he may be protected by ad-interim relief.

It is the settled position of law that, illegality even if exists over a long period should not be perpetuated under the seal of the Court.

4. In view thereof, I find that the trial Court has not committed any error either in law or on facts while passing the impugned Order dated 21st October, 2021 in Draft Notice of Motion in L.C. Suit (St.) No.8576 of 2021, rejecting grant of ad-interim relief.

5. Appeal is accordingly dismissed in *limine*.

6. In view of dismissal of Appeal itself, Interim Application No.3078 of 2021 does not survive and is accordingly disposed off.

[A.S. GADKARI, J.]

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