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ongoing progress in the work. The Assistant Engineer B. & F., H-West Ward of the Corporation categorically reports as under:

“Notice u/s. 354A of the MMC Act dtd.04.02.2022 is issued when the ongoing work of construction of brick masonry walls of north & east side of the present structure was found in progress. The structure to which the notice under section 351 of MMC Act was issued on 24.01.2020 is seen to be demolished by the noticee for extending the said structure in the space available on the north and east side, by constructing brick masonry walls. It is also seen that the notice has painted the inside walls of the structure within last two days as the paint is still fresh and sticky.”

2. The learned counsel for the Corporation specifically relied upon the photographs, which are marked as ‘X’ for identification and the photographs depict two situations; the structure in respect of which notice was issued under Section 351 and another photo dated 04/02/2022, where the construction work is in progress using brick masonry wall. Her submission is to the effect that the old structure was dismantled and a new structure with the new masonry wall is coming up and, therefore, the MMC issued a notice to stop the work. She has also placed on record photographs dated 21/03/2022, showing the structure nearing it’s completion. Today, on 25/03/2022, the work, if at all nearing it’s completion, must have been completed.

3. In any case, whether the structure, which was noticed to be covered by the notice issued for stopping ongoing construction work under Section 354A of the MMC Act and if the same is now completed, whether it deserves to be continued its existence and it required to be demolished, since it is in violation of Section 354A notice, it needs to be considered by the trial court.

4. Since the notice of motion filed in L.C. Suit (St.) No.1016 of 2022 is pending for adjudication before the City Civil Court, and the present appeal poses a challenge to the rejection of ad-interim relief, interest of justice would be served if the notice of motion is finally heard by the concerned court within a time bound manner. Hence, by directing the parties to maintain status quo as of today, they are relegated to the City Civil Court for adjudication on the notice of motion. The learned Judge is requested to culminate the proceedings in the notice of motion within four weeks from today. Needless to state that while determining the notice of motion, the observations made at the ad-interim stage, shall not influence the learned trial judge. The appeal is disposed off.

5. In view of the disposal off the appeal, the connected interim application is also disposed off.

[SMT. BHARATI DANGRE, J.]