

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**APPEAL FROM ORDER NO. 167 OF 2022
WITH
INTERIM APPLICATION NO. 1136 OF 2022
IN
APPEAL FROM ORDER NO. 167 OF 2022**

Abdul Jabbar Titer Siddique Appellant
v/s.
Municipal Corporation of Greater
Mumbai and ors. Respondents

Mr. Ranjit A. Thorat, Sr. Advocate i/b. Ms. Pratibha
D. Shelake for the Appellant.
Mr. Om Suryavanshi for the Respondent / MCGM.
Mr. Shilpesh Waghmode, Junior Engineer (Building
& Factory 'L' Ward)

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 09th MARCH, 2022.

P. C. :-

. The Appellant-defendant has challenged the order dated 22/02/2022 whereby the learned Judge has refused to grant ad-interim relief to restrain the Respondent from demolishing the suit structure in pursuance of speaking order dated 02/03/2021.

2. Mr. Ranjit Thorat, learned Senior advocate for the Appellant states that the Corporation had issued show cause notice dated

18/02/2021 alleging that the Appellant had carried out unauthorized construction of 1st floor, more particularly specified in the said notice. Learned counsel for the Appellant states that the Appellant could not file reply to the said show cause notice as he had gone to his native place in Uttar Pradesh because of the situation which had arisen due to outbreak of Covid-19 pandemic. Subsequently, the Corporation passed the speaking order dated 02/03/2021 and ordered demolition of the suit structure.

3. It is not in dispute that the Appellant was not heard in the matter. Considering the above fact, Mr. Om Suryavanshi, learned counsel for the Corporation, under instructions, makes a statement that the Corporation shall withdraw the speaking order dated 02/03/2021 and will give an opportunity to the Appellant to file his reply and will decide the matter after considering the reply filed by the Appellant.

4. Mr. Ranjit Thorat, learned Senior counsel for the Appellant states that the reply will be filed within 15 days from the date of this order. He further states that in view of the withdrawal of the speaking order, the Appellant will withdraw the Suit filed before the Trial Court. Statements accepted.

5. In the light of above, the Respondent – Corporation to consider the reply and to take appropriate decision. The Appeal as well as Interim Application stand disposed of in above terms.

**PREETI
H JAYANI**

(SMT. ANUJA PRABHUDESSAI, J.)

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