

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

**INTERIM APPLICATION NO.10102 OF 2022
IN
FIRST APPEAL NO.647 OF 2022**

Smt. Smita Sharad Shirsekar ...Applicant

Versus

Assistant Assessor & Collector and
Ors. ...Respondents

...

Ms Rakhee Ghadankush for the Applicant.

Mr. Santosh Parad for MCGM.

Mr. U.L. Shah i/b. Ms Vaishali for Respondent No.4.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 5th JULY, 2022.

P. C. :-

1. The Appellant- hereinafter referred to as the Plaintiff is the owner of the building 'Siddheshwar Bhawan' on a land admeasuring 143.81 sq. mtrs bearing C.T.S. No.3828. The Plaintiff had purchased the said property on 03/10/1991. It is the case of the Plaintiff that there are 37 tenants in the said building and one of the tenements was occupied by the Plaintiff and his family.

2. Defendant No.1 had issued notice to the Plaintiff for payment of Rs.81,161/- towards arrears of property tax. The Plaintiff

was informed that failure to pay the amount would result in sale of property in public auction. It appears that the Plaintiff did not pay the money and that the entire building along with the land was put in auction. The building has been purchased by the tenants, who have subsequently formed Defendant No.4 society. The Plaintiff filed a suit questioning the legality of the auction.

3. The records reveal that the Plaintiff had deposited an amount of Rs.81,000/- before the Trial Court. The Trial Court after considering the evidence on record dismissed the suit. The Plaintiff now apprehends that the said building may be demolished and may go for redevelopment. The apprehension of the Plaintiff cannot be said to be baseless.

4. Considering the above facts and circumstances, in my considered view pending hearing of the appeal, Respondents are restrained from demolishing the suit building and or redeveloping/reconstructing the same.

5. The application stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)