

S.S.Kilaje

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO. 547 OF 2022
WITH
INTERIM APPLICATION NO. 3281 OF 2022
IN
APPEAL FROM ORDER NO. 547 OF 2022

Ganeshibai Chaganlal Kumawat and Anr. .. Appellants/Applicants

Versus

Municipal Corporation of Greater Mumbai .. Respondent

-
- Mr. Shyamrishi Pathak for the Appellants/ Applicants
 - Mr. Santosh Parad for Respondent - MCGM
-

CORAM : MILIND N. JADHAV, J.

DATE : MAY 24, 2022.
(Vacation Court)

P.C.:

1. Heard learned counsel appearing for the Appellants/Applicants and learned counsel for the Respondent.

2. Perused the impugned order dated 02.05.2022. The Appeal from Order take exception to the impugned order on the ground that the Appellant is ready and willing to approach the Corporation with all necessary documentation *inter-alia* pertaining to the subject structure. The impugned order categorically states that the pursuant to issuance of notice dated 26.04.2022 calling upon the Appellants / Plaintiffs to remove the subject structure, it was the duty of the Appellants to approach the concerned office in response to the said notice with all

necessary documents. Therefore the learned Trial court has rejected the ad-interim application of the Appellants/ Plaintiffs.

3. Learned counsel for the Appellants submits that the Appellants / Plaintiffs are ready and willing to visit the office of the Municipal Corporation with all the necessary documents to substantiate their claim in respect of the subject structure.

4. Learned counsel for the Appellants submits that the Appellants shall file a reply to the impugned notice dated 26.04.2022 alongwith all necessary documents in support of the Appellants' claim in respect of the subject structure. The said reply shall be filed within a period of 2 weeks from today. If the said reply is filed, the Competent Authority is directed to give a hearing to the Appellants and pass a speaking order within a period of one week thereafter. Until the order is passed by the Competent Authority no coercive steps shall be taken against the subject structure.

5. In view of the above directions, no further orders are required to be passed in the present Appeal from order.

6. Appeal from Order and Interim Application both stand disposed of.

[MILIND N. JADHAV, J.]

SONALI
SATISH
KILAJE

Digitally signed
by SONALI
SATISH KILAJE
Date:
2022.05.24
14:11:59
+0530