

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
APPEAL FROM ORDER NO.83 OF 2022
WITH
INTERIM APPLICATION NO.395 OF 2022

Noorali Ismail Qureshi .. Appellant

Versus

The Municipal Corporation of .. Respondent
Greater Mumbai

...

Mr.C.K.Tripathi with Mr.Induprakash Tripathi and
Ms.Bhagyashri Gawas for the Appellant.

Mr.Om Suryavanshi for the Respondent/MCGM.

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CORAM: BHARATI DANGRE, J.
DATED : 15th MARCH, 2022

P.C:-

1. Heard the learned counsel for the appellant, who is aggrieved by the impugned order passed by the City Civil Court at Dindoshi in L.C. Suit No.1967 of 2021 dated 16/09/2021.

By the said order, the Notice of Motion came to be rejected.

The background facts reveal that the appellant was served with the notice dated 03/08/2020, purportedly under Section 55 of the M.R.T.P. Act alleging that he has erected an unauthorized structure and has covered the terrace with M.S. Angle and G.I. sheet approximately admeasuring 18.28 m X

7.62 m. X 3.6 m. in height. He was asked to remove the unauthorized structure within a period of three weeks.

2. The learned counsel for the appellant, after referring to the photograph of the alleged unauthorized structure at page 32, would submit that merely to save himself from leakage, the structure came to be erected and the G.I. Sheets were installed. His submission is to the effect that this would not fall within the meaning of temporary unauthorized structure as contemplated under Section 55 of the M.R.T.P. Act.

In any case, the learned counsel would submit that he would obtain necessary permission from the MCGM and till then he shall remove the G.I. Sheets, which have been installed and alleged to be unauthorized.

3. In the wake of the aforesaid statement, since the appellant undertakes to remove the G.I. Sheets within fortnight and only after obtaining the necessary permission from the MCGM, he shall put back the G.I. Sheets, the Appeal from Order stands disposed off. The pending interim application also stands disposed off.

4. In view of the undertaking by the appellant, nothing survives in L.C.Suit No.1967 of 2021 and it also stands disposed off.

(SMT. BHARATI DANGRE, J.)