

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

***APPEAL FROM ORDER NO.483 OF 2021
WITH
INTERIM APPLICATION NO.3654 OF 2021***

Sanjana Maruti Ardalkar
THR. POA Mr. Maruti Vishnu
Ardalkar

...Appellant

Vs
The State of Maharashtra
THR. Government Pleader and Ors.

... Respondents

...

Mr. Narayan Awate for the Appellant.

CORAM : SANDEEP K. SHINDE J.
DATE : FEBRUARY 17, 2022.

P.C. :

Heard.

2 Appellant-plaintiff instituted the suit seeking relief to declare that the notice dated 31st March, 2021 issued by the State of Maharashtra calling upon her to remove unauthorised stall ('Suit Stall' for short) was illegal, null and void and not binding on her. Pending suit, plaintiff moved Notice of Motion No.1104 of 2021 seeking relief of temporary injunction to restrain respondents from

executing the notice. Pending notice of motion, the suit stall was demolished by the respondents. Thereafter, plaintiff moved another Notice of Motion No.1127 of 2021 seeking directions to the respondents, to re-construct the suit stall. Both the motions were rejected by the learned Judge vide order dated 13th May, 2021. Thus, this appeal. Plaintiff in support of his suit claim would rely on the circular issued by the State of Maharashtra dated 10th October, 2012. This circular relates to issuing photo-pass to the slum dwellers, whose structure was in existence prior to 1st January, 1995. The learned trial Court has correctly held that this circular has no application to the suit stall, in respect of which notice was issued by the State of Maharashtra. Nor appellant has pointed out, which policy decision of the State, protects the suit stall.

3 For all that reason, no interference is called for in the impugned order. Appeal is dismissed. All applications therein are also disposed of.

(SANDEEP K. SHINDE, J.)