

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

***APPEAL FROM ORDER NO.519 OF 2021
WITH
INTERIM APPLICATION NO.4331 OF 2021***

Mr. Anil Bhatiya	...Appellant
Vs	
The Municipal Corporation of	
Gr. Mumbai 'E' Ward	...Respondent
...	

Mr. Tabish Mooman for the Appellant.
Mr. Rajendra Sirsikar for MCGM.

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

P.C. :

Appellant/Plaintiff was called upon to pull down unauthorised construction described in Notice dated 20th January, 2021 issued under Section 351 of the Mumbai Municipal Corporation Act, 1888. Notice reply was considered by the Designated Officer, who by order dated 21st October, 2021 concluded that the plaintiff could not produce satisfactory and/or conclusive documentary evidence to prove that that notice structure was in existence prior to datum line, i.e., 1st April, 1962. While, the suit instituted by the

appellant, inter-alia challenging the validity of notice and a ‘Speaking Order’, the learned Trial Court, declined ad-interim relief by observing that, plaintiff could not produce any document showing existence of notice structure prior to datum line. Even before this Court, plaintiff/appellant has not produced any document to show, either it was authorised construction or in existence prior to datum line.

2 Taking note of this fact, the order impugned requires no interference. Appeal is dismissed.

3 As the appeal itself is disposed of, nothing survives in the application therein and same is also disposed of.

(SANDEEP K. SHINDE, J.)