

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
APPEAL FROM ORDER NO.60 OF 2022
ALONG WITH
INTERIM APPLICATION NO.255 OF 2022

Lata w/o. Vilas Koli] ... Appellant

Vs.

Municipal Corporation of Greater]
Mumbai.] ... Respondent

...

Mr. Ashok M. Saraogi for the appellant.

Mr. Santosh Parad for the respondent-MCGM.

Mr. Amol Paralkar, Asstt. Engineer from B & F Department
G/South Ward, is present in the court.

...

CORAM : SMT. BHARATI DANGRE, J.

DATED : 23RD MARCH, 2022.

P.C. :-

1. Heard the learned counsel Mr. Saraogi for the appellant and
the learned counsel Mr. Parad for the Corporation.

2. The learned counsel for the Corporation concedes that the speaking order, subsequent to consideration of the documents placed along with the reply by the appellant, is not yet passed. He submits that the same shall be passed within a period of one week from today.

3. In the wake of the aforesaid statement being made, the learned counsel for the appellant Mr. Saraogi states that S.C. Suit No.2572 of 2021 raising a challenge to the notice dated 20/12/2021 in the absence of the speaking order, deserves to be disposed off with liberty being reserved to file a fresh suit, upon service of the speaking order on the appellant by the Corporation.

4. The learned counsel for the appellant states that if the speaking order is adverse to the appellant, he should be protected for a brief period of time, so that he can approach the competent court assailing the said speaking order.

5. Learned counsel for the Corporation submits that the appellant is carrying out construction on the subject land. This statement is specifically denied by Mr. Saraogi.

6. I have no hesitancy in protecting the appellant, but in view of the statement made by learned counsel for the Corporation that the appellant is continuing with the construction activity, which is alleged to be an unlawful one, which resulted in issuance of notice

under Section 354-A of the Mumbai Municipal Corporation Act, both the parties shall maintain *status-quo* as of today, till the Corporation pass a speaking order and, if the speaking order is adverse to the appellant, for a further period of 15 days.

7. Appeal as well as the interim application is disposed off in the above terms.

[SMT. BHARATI DANGRE, J.]