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

**FIRST APPEAL (ST.) NO.4854 OF 2023
WITH
INTERIM APPLICATION NO.1891 OF 2023
WITH
INTERIM APPLICATION NO.1890 OF 2023**

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Lalchand Panchan Pal

... Appellant

V/s.

The Municipal Corporation
of Greater Mumbai

... Respondent

Mr. Pradeep J. Thorat i/by Janardan Yadav for the
appellant.

Mr. R.Y. Sirsikar for the respondent/MCGM.

CORAM : AMIT BORKAR, J.

DATED : FEBRUARY 28, 2023

P.C.:

INTERIM APPLICATION NO.1890 OF 2023:

- 1.** The interim application seeks condonation of four (4) days' delay in filing the first appeal.
- 2.** For the reasons stated therein, the interim application is allowed in terms of prayer clause (a). No costs.

INTERIM APPLICATION NO.1891 OF 2023:

- 3.** During the pendency of the suit, there was ad-interim relief which is continued by the Trial Court till 16th February 2023.

4. Learned advocate for the appellant invited my attention to page 71 of the compilation which shows that the structure is a census structure. In support of his submission, he relied on the judgments of learned Single Judge of this Court in **Anil Madhav Gore v. Bombay Municipal Corporation of Greater Bombay** reported in 2001 (14) All M.R. 464 and **Ramesh Appa Rao v. The Municipal Corporation for Greater Mumbai** reported in 2011 (1) Mh.L.J. 154. Both the judgments lay down that such census structures can independently be protected.

5. Per contra, learned advocate for the Corporation submits that the Division Bench of this Court has taken a view that the Corporation is entitled to take action under the provisions of the Mumbai Municipal Corporation Act in relation to such structures.

6. To enable learned advocate for the Corporation to place on record a copy of said judgment, stand over to **6th March 2023**.

7. Ad-interim relief granted earlier by the Trial Court stands extended till 6th March 2023.

(AMIT BORKAR, J.)