

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
APPEAL FROM ORDER NO.356 OF 2023
WITH
INTERIM APPLICATION NO.4358 OF 2023**

Kanhaiyalal Shardaprasad Shukla	...	Appellant
versus		
Municipal Corporation of Greater Mumbai	...	Respondent

Mr. Mandar Soman i/by Mr. U.V. Singh and Mr. A.K.Kharwar for Appellant.
Mrs. Smita Tondwalkar, for MCGM.

CORAM: N.J.JAMADAR, J.

DATE : 4 MAY 2023

P.C.

1. Heard the learned Counsel for the parties.
2. The learned Counsel for the Respondent submits that the Respondent-Corporation would proceed to take action in respect of the structure which is referred to in the schedule of the notice under Section 351(1A) of the Mumbai Municipal Corporation Act, 1888.
3. The notice structure, as per the schedule, is as under :

“Unauthorized Construction of room and tarpaulin shed of adm size 3.93 m x 3.06 m & 4.36 m x 2.23 m of height 2.40 m respectively by means of B.M. and AC Sheet roof.”
4. The learned Counsel for the Respondent invites attention of the Court to the Report dated 27 September 2022 which indicates that the structure is situated

in the compound of Model Industrial Estate, Goregaon (E), Mumbai. In the notice also, the notice structure is stated to be situated at Model Industrial Colony Compound, Survey No.77, Hissa No.1 and 2, CTS No.271/A and 271/B, Vishweshwar Nagar, Off Aarey Road, Goregaon (E), Mumbai – 400 063.

5. It is the case of the Appellant that the structure of the Appellant is situated in Vikas Estate.

6. In view of of the aforesaid statement, the parties do not appear to be at issue.

7. Thus, nothing survives in the Appeal.

8. The Appeal stands disposed.

9. Interim Application also stands disposed.

(N.J.JAMADAR, J.)