



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

**INTERIM APPLICATION NO.4662 OF 2023
IN
FIRST APPEAL NO.818 OF 2023**

Mr. Akhilanand Rammurat Pandey ... Applicant
Versus
The Municipal Corporation of Greater
Mumbai ... Respondent

Mrs. Anjali Helekar for the Applicant/Appellant.

Mr. Santosh Parad for the Respondent.

CORAM : NITIN B. SURYAWANSHI, J.

DATE : 20 OCTOBER 2023

P.C.

. By this application, the Applicant/Appellant seeks stay to the impugned notice dated 24 September 2014 and the Order dated 8 April 2015 passed by the Assistant Municipal Commissioner, R/North Ward, MCGM, Mumbai. By filing L.C. Suit No.1068 of 2015, the said notice issued under Section 351 of MMC Act dated 24 September 2014 and the Order dated 8 April 2015 were challenged. The suit is dismissed by the Trial Court.

2 During the pendency of the suit, the Order of status quo was passed in favour of the Applicant by the Trial court on 21 April

2015. The said Order is continued by Trial Court after dismissal of suit on 20 April 2023.

3 Documents placed before Trial Court *prima facie* indicate that the suit structure admeasuring 10 ft x 10 ft = 100 sq. ft. and 70 ft x 40 ft = 2800 sq.ft. is mentioned in Slum Census conducted in the year 1976. Pitch holder/occupier card is issued to the Applicant. A permission to repair the suit structure was granted by MCGM on 29 March 2014.

4 In the light of aforesaid facts, the Applicant has made out a *prima facie* case for grant of ad-interim relief. In the result, the Interim application is allowed in terms of prayer clause (a).

(NITIN B. SURYAWANSHI, J.)