

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****Appeal from Order No.295 of 2024****a/w****Interim Application No.7549 of 2024****in****Appeal from Order No.295 of 2024**

Kausalkumar Parasnath Singh Appellant.

Vs.

MCGM Respondent.

Mr Pradeep J. Thorat i/by Bholaprasad Shukla a/w Mr JS Yadav
for appellant/applicant.

Ms Smita V Tondwalkar for respondent- MCGM.

Coram : R. N. Laddha, J.**Date : 10 April 2024.****P.C. :**

The appellant, aggrieved by an order dated 28 March 2024, which dismissed the relief sought in Notice of Motion No.1981 of 2012 in LC Suit No.1880 of 2012 by the learned Judge of the City Civil Court, Mumbai, has filed this appeal. According to the appellant, he has been in peaceful use, occupation and possession of the suit premises since prior to the years 1995-2000. The suit premises are protected and tolerated and are being vacated in a road widening. The respondent corporation intends to dispossess the

appellant by demolishing it without providing any permanent alternate accommodation. It is the appellant's grievance that the authorities of the respondent corporation are not adhering to due process or following the guidelines outlined in their own circular.

2. After hearing the matter for some time, the learned Counsel for the appellant submits that in response to notices dated 23 November 2015 (on pages No.102, 103 and 104 of the paperbook), the appellant has submitted all relevant documents to determine his eligibility with the respondent corporation. However, the appellant is aggrieved that despite this submission, the concerned authorities have not yet decided his eligibility.

3. The limited grievance of the appellant can be addressed by directing the respondent corporation to review and decide upon the pending eligibility applications. Given this, the concerned authorities of the respondent corporation is directed to decide the pending applications of the appellant for its eligibility, on its own merits and in accordance with the law, expeditiously and preferably within four weeks from the receipt of this order. Till then, the parties shall maintain the *status quo*.

4. The appeal stands disposed of accordingly. As a sequel, the pending application also stands disposed of.

5. It is made clear that this Court has not examined the merits of the matter, and all contentions of the parties are left open.

[R. N. Laddha, J.]