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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
APPEAL FROM ORDER NO.174 OF 2024
WITH
INTERIM APPLICATION NO. 1892 OF 2024**

Sea Face Park CHS Limited ... Appellant

Vs.

Designated Office, Executive Engineer ... Respondents
(Building and Factory) D Ward and Another

Mr. Kaustubh Patil for the Appellant/Applicant.

Mr. Som Sinha a/w. Ms. Divya Vishwanath and Mr. Om
Suryavanshi for MCGM.

CORAM : GAURI GODSE, J.

DATE : 20th JUNE 2025

ORDER :

1. In response to the order dated 2nd May 2025 the corporation has tendered an affidavit. In paragraph 3 of the order dated 2nd May 2025 a specific query made to the learned counsel for the corporation is recorded regarding the guidelines framed by the corporation in the circular dated 4th June 2013 to be followed before issuing notice under Section 351 of the Mumbai Municipal Corporation Act, 1888 ("MMC Act").

2. Learned counsel for the corporation orally submits that before issuing notice under Section 351 of the MMC Act, the guidelines framed in the circular dated 4th June 2013 is not required to be followed as the same would not apply for issuing notice. He submits that he shall file affidavit of the concerned responsible officer stating that when a complaint is filed making a grievance regarding unauthorised construction, the officers of the corporation are not required to follow the guidelines issued by circular dated 4th June 2013. Necessary affidavit to be filed within a week.

3. Learned counsel for the appellant has tendered a compliance affidavit which is taken on record.

4. List the appeal for further hearing and directions on 2nd July 2025. To be listed High on Board under the caption for "Admission".

5. No further action to be taken pursuant to the notice and the speaking order impugned in the suit till any further orders are passed, by this court.

[GAURI GODSE, J.]