

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 863 OF 2008
IN
APPEAL FROM ORDER NO. 326 OF 2007

Shri. Akhilesh Udayraj GaudAppellant

versus

The Mumbai Municipal Corporation
of Greater MumbaiRespondents.

Mr.Rakesh Kumar i/by. Shri. Praveen L. Singh, adv.for appellant.
Ms. Geeta Joglekar, adv.for respondents.

Coram: Smt.R.P.SondurBaldota, J.

Dated : 31st July, 2008.

P.C. :

1. In the appeal from order which was dismissed on 9th June, 2008, the appellant has taken out this Civil Application for continuation of the order dated 28th April, 2007 for four more weeks. The application is opposed by the respondent corporation.
2. From the order dated 9th June, 2008 it is seen that the appellants' structure had infact been demolished on 27th May, 2006. It is further noted

that the entire area was subject to a demolition drive in view of the work on the Poisar river. As regards the appellants claim for alternate accommodation the order states that he is at liberty to apply for the same. It appears that thereafter the appellant has through his advocate, sent notices to various authorities requesting for an alternate accommodation. Mr.Rakesh Kumar, submits that, that the same remains undecided till date and therefore the earlier order of protection be continued pending the application.

3. Mrs. Joglekar, learned counsel for the respondent corporation, points out that the claim of the appellant for alternate accommodation was considered and rejected by the respondents on 12th May, 2006. This fact has been stated in the affidavit-in-reply filed to the notice of motion, in the City Civil Court. In these circumstances, there cannot be continuation of interim order to enable the appellant to re-open the claim for alternate accommodation. Hence, the Civil Application is dismissed.

[Smt.R.P.SondurBaldota, J]