

ORDER ON EXH.1
IN
REGULAR CIVIL SUIT NO. 475/2022
(CNR NO.MHTH020037532022)

Mangal Raghunath Patil
vs.
Thane Municipal Corporation

1. The plaintiff has instituted present suit for declaration that, the Defendant Corporation should not demolish the suit property without following due process of law. The plaintiff has also prayed for injunction against the defendant as collateral prayer.

2. The Defendant Corporation has filed an undertaking and affidavit below Exh.30 and Exh. 31 to the effect that, before taking any action of demolition, it will follow due process of law in the present matter and will follow the guidelines given by the Hon'ble Bombay High Court in case of *Sopan Maruti Topate and another Vs. Pune Municipal Corporation, AIR 1996 BOM 304*.

3. Considering this very fact and in view of directives of the Hon'ble Bombay High Court in case of *Abdul Hasan Shaikh Mansuri Vs. Municipal Corporation of Mumbai and others 2007(4) ALL MR 97*, the plaintiff was directed to produce latest photographs showing all dimensions of the suit structure and the plan thereof to be certified by a licensed Architect. Accordingly, today the plaintiff has complied order passed on 31.01.2023 and has

produced photographs as well as copy of plan.
Therefore, present suit deserves to be decreed. Hence, I
pass the following order.

ORDER

- 1] Suit stands decreed.
- 2] The defendant should not take any action
against the suit property without following due
process of law.

Date : 04.03.2023
Place: Thane

(**S.V.Nikam**)
3rd Jt. Civil Judge Sr. Division,
Thane