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SLP(C)No. 3718 OF 2001
ITEM No.47

Court No.10

SECTION IX
A/N MATTER

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Civil) No.3718/2001

(From the judgement and order dated 31/01/2001 in AO 807/2000
of The HIGH COURT OF BOMBAY)

JAYSHREE UTTAMAN PANIKAR & ANR.

Petitioner (s)

VERSUS

MUNICIPAL CORPORATION OF GR. MUMBAI

Respondent (s)

(With Appln(s). for exemption from filing c/c of the impugned
Judgment and with prayer for interim relief)

Date : 15/10/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.C. LAHOTI
HON'BLE MR. JUSTICE K.G. BALAKRISHNAN

For Petitioner (s) Mr. T.R. Andhyarujina, Sr. Adv.
Mr. A.S. Bhasme, Adv.
Mr. Sanjay K. Visen, Adv.
Mr. Manoj K. Mishra, Adv.

For Respondent (s) Mr. Pallav Shishodia, Adv.
Mr. D.N. Mishra, Adv.
for M/s J.B. Dadachanji & Co., Adv.

UPON hearing counsel the Court made the following
O R D E R

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Heard.

Learned counsel for the petitioners invited attention of the Court to the Order dated 6th January, 1993, Annexure-P7 which permitted the petitioners to dismantle the amalgamated structure and bring it to its original units which were five censused huts, and removing the mezzanine floor. Aggrieved by this order,
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the petitioners filed a civil suit wherein, by Order dated 19th March, 1997, Bombay City Civil Court referred the matter back to the Deputy Municipal Commissioner so as to consider certain circulars and policy decisions of the Corporation and suitably modify

the order after considering if the benefit of such circulars and policy decisions was available with the petitioners. The petitioners were heard. Vide Order dated 8th November, 1999, Annexure-P11 the Joint Municipal Commissioner/Deputy Municipal Commissioner (Zone-VI) found that the circulars were not applicable to the disputed structures and therefore, the petitioners were directed to demolish the same.

Learned counsel for the petitioners submits that the petitioners can restore the original structures by carrying out partial demolition and alterations and it may not be necessary to demolish the entire structure. If that be so, let them make a representation within three weeks from today to the Municipal Corporation, which if so made, may be disposed of by the competent Authority within four weeks thereafter, in accordance with law and after hearing the petitioners.

List after eight weeks.

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Sarita (Radha Rani Bhatia)@@
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Court Master@@
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