

IN THE SUPREME COURT OF INDIA

INHERENT JURISDICTION

REVIEW PETITION (CIVIL) NOS. _____ OF 2020
(ARISING OUT OF DIARY NO.13318 OF 2019)
IN
CIVIL APPEAL NOS.1727-1732 OF 2019

RAFIQUNNISA M. KHALIFA (DECEASED)
THROUGH HIS LEGAL HEIR Petitioner

VERSUS

MUNICIPAL CORPORATION OF GREATER MUMBAI & ORS. Respondents

O R D E R

Delay in preferring Review Petitions is condoned.

Application for grant of an opportunity of oral hearing of the Review Petitions is rejected.

The question whether the actions on part of Municipal Corporation in exercising power under Section 314 of the Mumbai Municipal Corporation Act, 1888, was justified or not, was considered by this Court in the backdrop of factual aspects of the matter and more particularly as under:-

"22. Perusal of the counter affidavit, map and the photographs of the site in question clearly show that, first, the stalls/structures of the respondents were found erected on the sewer line/chamber; Second, these structures/stalls were not erected by the respondents with the permission of the Commissioner as required under Section 312(1) of the Act; Third, no sanctioned map was filed by the respondents to prove that the structures were legal; and Fourth, the stalls/structures were causing obstruction to public at large and were causing encroachment on the street (Bandra Station Road), which is very narrow."

The attempt on part of the Municipal Corporation for removal of the structures was, therefore, held to be valid and justified.

We have gone through the contents of the Review Petition and do not find any error apparent on record to justify interference in Review Jurisdiction.

The Review Petitions are, therefore, dismissed.

.....J.
[UDAY UMESH LALIT]

.....J.
[DINESH MAHESHWARI]

NEW DELHI;
JANUARY 21, 2020

ITEM NO.1004

SECTION III

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

REVIEW PETITION (CIVIL) Diary No.13318/2019

(Arising out of impugned final judgment and order dated 18-02-2019 in C.A. No.1727/2019, 18-02-2019 in C.A. No.1728/2019, 18-02-2019 in C.A. No.1729/2019, 18-02-2019 in C.A. No.1730/2019, 18-02-2019 in C.A. No.1731/2019, 18-02-2019 in C.A. No.1732/2019 passed by the Supreme Court Of India)

RAFIQUNNISA M. KHALIFA (DECEASED)
THROUGH HIS LEGAL HEIR

Petitioner(s)

VERSUS

MUNICIPAL CORPORATION OF GREATER MUMBAI & ORS.

Respondent(s)

(IA No.60823/2019 - FOR CONDONATION OF DELAY IN FILING REVIEW PETITION; IA No.60825/2019 - FOR ORAL HEARING; and, IA No.60833/2019 - FOR PERMISSION TO FILE LENGTHY LIST OF DATES)

Date : 21-01-2020 This matter was circulated today.

CORAM :

HON'BLE MR. JUSTICE UDAY UMESH LALIT
HON'BLE MR. JUSTICE DINESH MAHESHWARI

By Circulation

UPON perusing papers the Court made the following
O R D E R

Delay condoned.

Application for grant of an opportunity of oral hearing of the Review Petition is rejected.

The Review Petitions are dismissed, in terms of the Signed Order.

Pending application(s), if any, shall stand disposed of.

(MUKESH NASA)
COURT MASTER

(SUMAN JAIN)
BRANCH OFFICER

(Signed Order is placed on the File)