

# News

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## The Digambar Jain temple in Mumbai is not being demolished any further by the Bombay High Court.

Drupad Patil, the BMC's attorney, told the court that the temple's remaining construction has already been demolished, with the exception of two walls that were 15 and 7 feet long.



**[Shree 1008 Digambar Jain Mandir Trust v Municipal Corporation of Greater Mumbai and Others]** On April 16, the Bombay High Court ordered the Brihanmumbai Municipal Corporation (BMC) to immediately stop further demolition of the Jain temple edifice located in Mumbai's Vile Parle.

After Shree 1008 Digambar Jain Mandir Trust filed two appeals against the demolition action taken by the city government, **Justice Gauri Godse** issued the ruling.

The temple grounds were given ad-interim protection by the court until the following hearing on April 30.

*The appellants have the right to be heard in these appeals as well as a reasoned ruling dismissing their applications. Therefore, the appellants are entitled to ad-interim protection until the contested orders are made available and they are heard in these appeals,"* the Court stated in its ruling.

The disagreement arose from demolition action taken by the BMC in response to notices issued under Section 488 of the Mumbai Municipal Corporation (MMC) Act and Section 53(1) of the Maharashtra Regional and Town Planning Act (MRTP Act).

On April 7, the city civil court rejected motions for temporary protection in pending civil suits pertaining to the issue.

Nevertheless, it had added seven days to an earlier stay that ended on April 15. The appellants claim that the city civil court verbally denied the Trust's request for an extension on that day. On April 16, the Trust went to the High Court since the reasoned order of refusal was unavailable.

Justice Godse allowed the petition to be heard at 11 am, acknowledging the urgency, especially because BMC officers had come on site with police to perform the demolition.

**Senior Advocate Surel Shah**, speaking on behalf of the Trust, told the Court during the hearing that the core structure was still standing and that only a portion of the exterior building had been destroyed.

Following directions from Assistant Engineer (B&F) Satish Anerao, BMC attorney Drupad Patil told the court that the temple's remaining construction had already been demolished, with the exception of two walls that were 15 feet long and 7 feet wide (10 feet high).

The BMC's declaration was accepted by Justice Godse, who instructed the municipal organization to submit a supporting affidavit and a copy of the panchanama proving the demolition within two weeks.

The BMC was also directed by the Court to make sure that no more demolition work is done.

*The appellants are entitled to ad-interim protection in light of the aforementioned. Therefore, the corporation is instructed to immediately cease any further demolition activities until this court issues additional instructions,"* the court ruled.

The status quo as of April 16 must be maintained until the following hearing, the Court ruled.

The next hearing in this matter is scheduled for April 30.

**Senior Advocate Surel Shah** attended the Shree 1008 Digambar Jain Mandir Trust alongside advocates F Patyal under the guidance of Nidhi Chheda.

Brihanmumbai Municipal Corporation was represented by advocates Drupad Patil and Om

Suryavanshi.