

SQP

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 6816 OF 2014**

Nitesh Rajendra Dalvi	...Petitioner
Versus	
State of Maharashtra & Ors.	...Respondents

Mr. Amol P. Mhatre for the Petitioner

Mrs. M. P. Thakur, A.G.P for the Respondent No.1

Mr. Ajay Subhash Patil for the Respondent Nos. 2 and 3

**CORAM : A. S. OKA &
REVATI MOHITE DERE, JJ.
MONDAY, 6TH JULY, 2015**

P.C. :

1. Heard learned Counsel appearing for the petitioner, learned Counsel appearing for the second and third respondents and the learned A.G.P representing the first respondent.

2. This petition concerns a structure allegedly in possession of the fourth respondent at Condominium 7, Block A, Tenement No. 41, Section 10, Kopar Khairne, New Bombay. The Advocate for the petitioner addressed a letter dated 2nd May, 2014 to the second and third respondents, who are the officers of the New Bombay Municipal Corporation, pointing

out that there are major deviations/alterations/modifications made by the fourth respondent in the structure in question. The details of the alleged illegalities and modifications are specified in the said letter.

3. Learned Counsel appearing for the second and third respondents has no instructions about the action taken by the Municipal Corporation. Hence, the petition need not be kept pending. We dispose of the petition by passing the following order.

ORDER

(i) We direct the second respondent to appoint an appropriate Officer of the Municipal Corporation not below the rank of Assistant Commissioner to look into the representation dated 2nd May, 2014 submitted by the petitioner through his Advocate;

(ii) The Officer so nominated by the Commissioner, shall make a site visit after giving notice to the fourth respondent before disposing of the representation;

(iii) The Officer so nominated by the Commissioner comes to

the conclusion that any illegalities as alleged by the petitioner have been made, he shall take appropriate steps in accordance with law;

(iv) The decision taken on the representation made by the petitioner shall be communicated to the petitioner within a period of two months from today;

(v) We make it clear that before taking any action affecting the fourth respondent, adequate opportunity of being heard shall be granted to the fourth respondent;

(vi) All contentions on merits are kept open;

(vii) Petition is disposed of on the above terms.

(REVATI MOHITE DERE, J.)

(A. S. OKA, J.)