

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 9810 OF 2014

Iqbal Ibrahim Nakade .. Petitioner
vs.
State of Maharashtra & Ors. .. Respondents

Mr. J. G. Reddy for Petitioner.
Ms Vaishali Nimbalkar – AGP for Respondent Nos. 1, 2 and 4.

CORAM : M. S. SONAK, J.
DATE: 13 JANUARY 2015

P.C. :-

1] The petitioner is permitted to delete respondent no. 3. Ms Nimbalkar – the learned AGP appears for respondent nos. 1, 2 & 4.

2] Rule. At the request and with the consent of the learned counsels for the parties, this petition is taken up for final disposal.

3] The petitioner, very candidly submits that after the impugned order was made, the petitioner has under the provisions of the Right to Information Act obtained documents, which would influence the decision in the matter of the eligibility to avail the benefits of the scheme.

4] Without going into the issue as to whether the documents now obtained by the petitioner are relevant or not, it would be appropriate if the impugned order dated 9 April 2013 is set aside

and the matter is remanded to respondent no. 2, the appellate authority for reconsideration of the petitioner's appeal in accordance with law. The appellate authority will permit the petitioner to produce fresh documents and take the same into consideration whilst deciding the appeal. Such an order is being made because the petitioners state that his structure has already been demolished and development upon the property in question, is in progress.

5] The petitioner to appear before respondent no. 2 on 27 January 2015 along with an authenticated copy of this order and thereafter obtain further directions from respondent no. 2 with regard to disposal of his appeal.

6] Needless to add that the respondent no. 2 will issue notice to the affected parties, including the MMRDA and only thereafter dispose of the appeal on its own merits and in accordance with law.

7] Rule is made absolute to the aforesaid extent. There shall be no order as to costs.

(M. S. SONAK, J.)