

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION***

WRIT PETITION (L) NO. 173 OF 2015

Kantilal Mokal Gosrani ... Petitioner
v/s
The Municipal Corpn. Of Gr. Mumbai & ors. ... Respondents

Mr.Gautam Kanchanpurkar for the petitioner.
Ms.Shobha Ajitkumar for respondent Corporation.

***CORAM: SMT. VASANTI A. NAIK &
SHRI C. V. BHADANG, JJ.***

DATED : 28 JANUARY 2015

P.C.:

Heard.

By this writ petition, the petitioner impugns the order of the Assistant Commissioner, 'S' Department, dated 22 May 2013, directing the petitioner to immediately vacate the premises and deliver the possession of the same to the 'S' Department of the Corporation as the petitioner has failed to prove that the concerned premises was in existence prior to 1st January 1995.

It is stated on behalf of the petitioner that the petitioner had received the impugned order just recently. It is stated that the petitioner had hurriedly supplied only two documents to the Corporation to prove that the structure in question was in existence on 1st January 1995. It is stated that there are several documents

in the possession of the petitioner to show the existence of the structure before 1st January 1995 and the petitioner has annexed the same to this writ petition. The counsel for the petitioner seeks a direction to the respondent Corporation to re-decide the claim of the petitioner by considering the various documents that are annexed to the petition and that could be supplied by the petitioner to the concerned department of the Corporation.

Ms.Ajitkumar, the learned counsel for the Corporation, on instructions from the officer of the Corporation, who is present in Court, states that if the petitioner submits the necessary documents to the 'S' Department of the Corporation within a period of 10 days, the Corporation would consider the same and decide the claim afresh within a period of one month.

In view of the statement made by the learned counsel for the Corporation the grievance of the petitioner stands redressed. We dispose of the writ petition by accepting the statement made on behalf of the Corporation as the same would be binding on it. The petitioner is permitted to submit the necessary documents along with an application within a period of 10 days.

With these observations, the writ petition is disposed of with no order as to costs.

(C. V. BHADANG, J.)

(VASANTI A. NAIK, J.)