

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.1918 OF 2013

1.Dilip A. Kapadia & Ors.

...Petitioners

vs.

1.Mumbai Municipal Corporation & Anr.

...Respondents

Mr.Mukesh M.Vashi, Senior Advocate with Ms.Aparna Devkar i/b.
M/s.M. P. Vashi & Associates, for the Petitioners.

Mr.J.F. Reis, Senior Advocate i/b. Ms.K.H.Mastakar, for the
Respondents – Corporation.

CORAM: G. S. KULKARNI, J.**DATE : 15th APRIL,2015**

P.C. :

1. This Writ Petition challenges the order dated 28 March 2013 passed by the Additional Municipal Commissioner (City) of the respondent-Corporation whereby the petitioners are not permitted to put up hoardings. Mr.M.M.Vashi, learned Senior Advocate for the petitioners has drawn my attention to the order dated 15 March 2013 passed by the Division Bench of this Court in Writ Petition No.296 of 2013 filed by the petitioners whereby the Division Bench has observed as under:-

"1. The learned Counsel appearing for the first respondent-Corporation has placed on record copies

of letters dated 15th March, 2013. The same are marked as "X" for identification. The letters record that the earlier letters dated 12th March, 2013 recording dismissal of the appeals have been withdrawn and now the appeals are fixed for hearing on 20th March, 2013 at 11.00 a.m.

2. We direct the Appellate Authority to give personal hearing to the petitioners and pass a reasoned order as expeditiously as possible and preferably within a period of one week from the date of hearing.

3. Place the petitions for admission on 28th March, 2013.”

2. On behalf of the petitioner, it is submitted that in pursuance of the impugned order dated 28 March 2013 passed by the Additional Municipal Commissioner (City), the representation of the petitioner was remanded to Deputy Municipal Commissioner, Zone-I to pass fresh orders on merits after hearing the petitioner and after taking into account the reports of the Deputy Municipal Architect. Mr. Reis, learned Senior Counsel appearing for the Corporation, on instructions, states that Deputy Municipal Commissioner (Special) would grant a hearing to the petitioner as directed by the Additional Municipal Commissioner (City) in his order dated 28 March 2013, who would consider the matter afresh and pass an appropriate order in accordance with law. The statement of Mr. Reis is accepted. The petitioner shall appear before the Deputy Municipal Commissioner (Special) on 22 April 2015.

3. It may be noted that by an interim order dated 10 May 2013 in terms of the observations as contained in the said order, ad-

interim relief was granted to the petitioners in terms of prayer clause (b) subject to payment of prescribed licence fees, the parties are ad idem that the said order shall continue to remain in operation till the Deputy Municipal Commissioner (Special) decides the issue afresh.

4. In view of the above, further adjudication of the present Writ Petition is not called for. Writ Petition is disposed of in the aforesaid terms.

(G. S. KULKARNI, J.)