

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

WRIT PETITION NO.1345 OF 2014

Mazhar Hussain

... Petitioner

Vs.

Municipal Corporation of Greater Mumbai

... Respondent

Mr.Pankaj Kawali i/b Kiran Mohite for the Petitioner

Ms.Vandana Mahadik for Respondent Nos.1, 2 & 3

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

DATE: 27th JANUARY, 2015

P.C.:

The petitioner is permitted to bring the legal heirs of the deceased Respondent No.5 on record. The learned Counsel for the legal heirs does not have any objection for the same. Amendment to be carried out forthwith. Mr.Rohit Sakhadeo, the learned Counsel, waives notice on behalf of the legal heirs.

Heard.

It appears from a reading of the order of the Deputy Municipal Commissioner, Zone III, dated 29.12.2012 that both the parties were directed to approach the City Survey office for the purpose of carrying out the measurements for demarcation of the plot under reference. It is the

case of the petitioner that the petitioner had approached the City Survey office for the purpose of carrying out the demarcation. It is not the case of the legal heirs of the respondent No.5 that they had approached the City Survey Officer for the measurement of the land in question in the presence of the petitioner.

It appears that the measurement and the demarcation is required to be carried out in the presence of both the parties. The City Survey officer is, therefore, directed to carry out the demarcation of the plot in question, as per the order of the Deputy Municipal Commissioner dated 29.10.2012 on the deposit of the necessary fees payable to the City Survey officer, by the petitioner. The parties undertake to appear before the City Survey officer on 16.2.2015 so that the issuance of notice to the parties could be dispensed with.

With these observations and directions, the Writ Petition is disposed of with no order as to costs.

(C.V. BHADANG, J.)

(VASANTI A. NAIK, J.)