

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO.336 OF 2012

Mr.J.M.Chodankar for the Petitioner
Mr.Vinod Mahadik for the respondent-BMC

P.C.:

2 The stand taken by the petitioner is that the

structure subject matter of the impugned notice is protected by virtue of the provisions of the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971. The petitioner is relying upon the documents from the year 1968 onwards. Considering the nature of documents on which the petitioner is seeking to rely upon, it will be appropriate if the designated Officer of the concerned Ward examines the said documents and considers the question whether the structure of the petitioner is protected either under 1971 Act or under any of the policies of the State Government or the Municipal Corporation.

3 Hence, we dispose of the petition by passing the following order:

- (I) We direct the petitioner to appear before the Designated Officer of the K/East Ward of the first respondent-Municipal Corporation on 17th August 2015 at 11.00 a.m.;
- (II) The petitioner shall produce all documents on which he is relying upon along with a reply to the impugned notice on the very day before the Designated Officer;
- (III) After giving an opportunity of being heard to the petitioner and after examining the documents, the Designated Officer shall pass an appropriate order in accordance with law within a period of one month from 17th August 2015;
- (IV) The order passed by the Designated Officer shall be communicated to the petitioner;

- (V) Till the date of communication of the said order, the effect shall not be given to the impugned notice;
- (VI) If the order passed be adverse to the petitioner, the impugned notice shall not be implemented for a period of four weeks from the date of communication of the order to the petitioner;
- (VII) All contentions on merits are kept open;
- (VIII) Writ Petition is disposed of on above terms;
- (IX) All concerned to act upon an authenticated copy of this order.

(REVATI MOHITE DERE,J.)

(A.S.OKA,J.)