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

WRIT PETITION NO.1606 OF 2012

Pravinsingh Raghuvir Baghel	... Petitioner
Vs.	
Municipal Corporation of Greater Mumbai and Ors.	... Respondents

**WITH
CHAMBER SUMMONS (L) NO.456 OF 2013**

Narendrakumar Bheemraj Shah and Anr.	... Applicants
<u>In the matter between</u>	
Pravinsingh Raghuvir Baghel	... Petitioner
Vs.	
Municipal Corporation of Greater Mumbai and Ors.	... Respondents

Mr. Ashutosh A. Kumbhakoni, Senior Counsel a/w Mr. Rajesh Sharma,
for Petitioner.

Mr. S.U. Kamdar, Senior Counsel a/w Ms. K.R. Punjabi, for the
Respondent Nos.1 to 3.

Ms. Kiran Bagalia, for Respondent No.4 – MMRDA.

Mr. R.J. Mane, AGP, for Respondent No.5 - State.

Mr. Sumit Kothari, for Applicant in Chamber Summons (L.) No.456 of
2013.

**CORAM : A.S. OKA &
A.K. MENON, JJ.**

DATE : 24th FEBRUARY, 2015

PC.

. The learned Senior Counsel appearing for the Petitioner, on
instructions of the Petitioner, makes a statement that this Petition is

confined only to final plot No.522-G of Town Planning Scheme-5 and no relief is claimed by Petitioner in relation to any other final plot save and except the final plot No.522-G.

2. In relation to final plot No.522-G notice dated 26th June, 2012 has been issued by the Mumbai Municipal Corporation in exercise of powers under Section 89 of the Maharashtra Regional and Town Planning Act, 1966. On 27th June, 2012, the Petitioner has replied to the earlier notice dated 14th May, 2012 which generally relates to final plot No.522. However, a reply dated 11th July, 2012 refers to notice dated 26th June, 2012 as well.

3. As the Municipal Corporation being the Planning Authority is seeking eviction of the Petitioner from final plot No.522-G, appropriate officer of the Municipal Corporation will have to consider the documents on which reliance is placed by the Petitioner in this Petition and will have to pass a reasoned order after giving an opportunity of being heard to the Petitioner. The learned Senior Counsel appearing for the Mumbai Municipal Corporation states that the Assistant Commissioner of the concerned Ward will give hearing to the Petitioner.

4. In view of the above discussion, we pass the following order :-

ORDER

- (i) We direct the Petitioner or his authorized representative to remain present before the Assistant Commissioner, K/East Ward, Mumbai Municipal Corporation on 16th March, 2015 at 11.00 am;
- (ii) The Petitioner shall produce documents relied upon by him in respect of his case only in relation to final plot No.522-G of T.P.S.-5;
- (iii) The Assistant Commissioner, after giving an opportunity of being heard to the Petitioner, shall pass a reasoned order as expeditiously as possible and preferably within a period of three months from 16th March, 2015;
- (iv) We make it clear that as the present Petition is confined to final plot No.522-G, the hearing will be confined only to the said final plot;
- (v) The order passed by the Assistant Commissioner shall be served upon the Petitioner. If the said order be adverse to the Petitioner, effect shall not be given to the said order for a period of four weeks from the date on which the order is served to the Petitioner;

- (vi) We make it clear that we have made no adjudication on the rights claimed by the Petitioner. All questions shall be decided by the Assistant Commissioner;
- (vii) The Petition is disposed of on above terms;
- (viii) Parties to act upon an authenticated copy of this order;
- (ix) In view of disposal of the Petition, Chamber Summons (L) No.456 of 2013 does not survive and the same is disposed of accordingly.

(A.K. MENON, J)

(A.S.OKA, J)