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

WRIT PETITION NO.2618 OF 2014

Mr. Ali Asgar Mohammed Tahsildar ... Petitioner
Vs.
The State of Maharashtra and Anr. ... Respondents

Mr. Jitesh P. Nishad i/by Mr. Ashok M. Saraogi, for the Petitioner.
Mr. R.J. Mane, AGP, for the Respondent No.1.
Mrs. Shobha Ajitkumar, for the Respondent No.2- BMC.

**CORAM : A.S. OKA &
A.P. BHANGALE, JJ.**

DATE : 23rd MARCH, 2015

PC.

. Heard the learned counsel appearing for the Petitioner, the learned AGP for the first Respondent and the learned counsel appearing for the second Respondent.

2. The grievance of the Petitioner in this Petition under Article 226 of the Constitution of India is that notwithstanding the complaints/ representations made by the Petitioner, the second Respondent – Municipal Corporation has not taken any action as regards the illegal construction.

3. Considering the limited grievance, we dispose of the Petition by passing the following order :-

ORDER

- (i) We direct the Petitioner to appear before the Assistant Municipal Commissioner, P/North Ward, Liberty Garden, Malad (W), Mumbai – 400 064, on Monday 6th April, 2015 at 11.00 am;
- (ii) The Petitioner shall produce an authenticated copy of this order as well as a copy of complaint dated 11th August, 2014 along with the photographs before the Assistant Municipal Commissioner. The Assistant Municipal Commissioner shall look into the grievance made by the Petitioner and take appropriate action in accordance with law. It is obvious that the Assistant Municipal Commissioner is under an obligation to follow the principles of natural justice;
- (iii) The action taken on the basis of the complaint shall be communicated to the Petitioner within a period of three months from today;
- (iv) We make it clear that we have made no adjudication on the merits of the case of the Petitioner;
- (v) The Petition is disposed of on above terms;
- (vi) All concerned to act upon an authenticated copy of this order.

(A.P BHANGALE, J)**(A.S. OKA, J)**