

Anand

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

WRIT PETITION (L) NO.1997 OF 2015

Apte Estate Owners Association (Proposed) .Petitioner

v/s.

The Assistant Engineer (Maintenance) .Respondents
MCGM, G/South Ward & ors.

Mr.Sanjiv A. Sawant with Mr.Rajiv Bafna & Mr.H.V.Kode, Advocate,
for the Petitioner
Ms Mastakar, Advocate, for the Respondent - MCGM

CORAM : A.A.SAYED, J.

DATE : 14.07.2015

P.C.

. The challenge in this petition is to the two impugned orders/notices passed on 15.05.2015 and 23.06.2015 by the Respondent – Corporation directing the owner/occupier to remove the existing under ground water tank or to shift the same, failing which action of removal & seizure of materials would be initiated to remove the same by the respondent – Corporation. It is the contention of the Petitioner that the under ground water tank is in existence since last more than five decades. Learned counsel for the respondent – Corporation states that the under ground water tank is required to be removed/shifted for the purpose of D.P.Road. This, however, has not been stated by the respondent – Corporation in the impugned orders.

2. Considering the facts & circumstances of the case and in my opinion, the following order would meet the ends of justice.

(i) The respondent – Corporation shall hear the Petition and take a decision on the notices within a period of four weeks from today. The statement of the learned counsel for the Petitioner is accepted that the Petitioner shall appear before the Assistant Commissioner, G/South Ward of the respondent – Corporation on 27.07.2015 at 11.00 a.m. when further directions will be given as to the hearing of the matter.

(ii) Pending the decision by the respondent – Corporation and for a period of two weeks from the date of communication thereof to the Petitioner, no coercive steps shall be taken.

3. The Petition is disposed of in the aforesaid terms.

(A.A.SAYED, J.)