

Ladda

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

WRIT PETITION No.605 of 2014.
 ALONG WITH
 NOTICE OF MOTION No.42 of 2015
 IN
 WRIT PETITION No. 605 of 2014.

Solanki & Associates & Anr .. Petitioners.

Vs

Slum Rehabilitation Authority & Ors .. Respondents.

Mr Milind Sathe, Senior Counsel a/with Mr Chirag Balsara i/by VND &
 Asso.for the Petitioners.

Mr Vijay Patil for Respondent No.1-SRA.

**CORAM : V.M.KANADE &
 A.R. JOSHI, JJ.**

DATE : 10th March, 2015.

PC.

1) The grievance of the petitioners is that pursuant to the condition No. 18 of the IOA dated 23rd May, 2007 and Commencement Certificate dated 11th May, 2012 they have put a tin shed and are in the process of constructing a new Nala. It is submitted that without taking into consideration the explanation of the petitioners, a notice has been issued on 19th October, 2013 by respondent No.3 to demolish the boundary on the said plot.

2) We have perused the impugned order. The impugned order is issued to the petitioners that they have taken the possession of the old Nala before constructing of a new Nala. In our view, if the respondents have any grievance against the act of the petitioners, while reconstructing said building it can very well proceed. Whenever a notice is issued under the

MRTTP Act or the Bombay Municipal Corporation Act after giving hearing to the petitioners, the respondents can take appropriate action in accordance with law. Therefore, the impugned order is set aside reserving right of the Corporation to issue appropriate show cause notice to the petitioners and after giving hearing to the petitioners may take action in accordance with law. The Writ Petition is accordingly disposed of.

3) In view of the aforesaid, Notice of Motion No.42 of 2015 is also disposed of.

(A.R. JOSHI, J)

(V.M.KANADE,J)