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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
CHAMBER SUMMONS NO.299 OF 2015
IN
WRIT PETITION NO.493 OF 2003

Kishorekumar V. Desai

..Applicant.

IN THE MATTER OF

M/s. Naigaum Education Society
V/s.

..Petitioner.

Municipal Corporation of Greater Mumbai and Ors.

..Respondents.

Mr.A.K. Saxena for the applicant in Chamber Summons.

Mr.G.V.Murti for the petitioner.

Mr.D.H. Mehta with Mrs.Shobha Ajitkumar AGP for respondent Nos.1 to 4.

CORAM : A.S.OKA AND
V.L.ACHLIYA, JJ.

DATED : 26TH OCTOBER, 2015

P.C. :-

1. Heard the learned counsel appearing for the applicant. Perused the order dated 18th January, 2007 passed by the Inquiry Officer under the provisions 105B of the Mumbai Municipal Corporation Act, 1888. From the said order, it appears to us that only right available to the applicant is to get allotment of alternate accommodation for commercial use in terms of the said order. By the said order, the Inquiry Officer has passed an order of eviction

against the applicant.

2. Even if the writ petitioner succeeds in the writ petition, before evicting the applicant from the part of the property allegedly in his possession, the Municipal Corporation will have to allot him alternate accommodation in terms of the said order. The contention of the Municipal Corporation is that such an offer is already made but it is not accepted. Suffice to say that the applicant is neither a proper nor a necessary party to the PIL. Subject to what is observed above, the Chamber Summons is rejected. Place the petition on the final hearing board.

(V.L.ACHLIYA, J.)

(A.S.OKA. J.)