

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

WRIT PETITION (L) NO.1587 OF 2016

Mr. Anil Telang	...	Petitioner
Versus		
Municipal Corporation of Greater Mumbai		
And Another	...	Respondents

.....

Mr. Nidhi Singh a/w Ms. Chaitrika Patki i/b Vidhii Partners for the
Petitioner.
Ms. Kejali Mastakar for Respondent Nos.1/MCGM.

.....

CORAM : S.C.GUPTE, J.

DATE : 17 JUNE 2016.

P.C. :

. After the matter is heard at length, learned Counsel for the parties inform the Court that the Petition may be disposed of without indicating any reasons in the order.

2 The impugned order of Respondent No.2 dated 20 May 2016 is set aside and the matter is remanded to Respondent No.2 for a fresh consideration in accordance with law. Considering the difficulty expressed by Respondent No.1/MCGM in the matter that no original record is available with the Corporation, Respondent No.2 shall take into account the documentary evidence submitted by the Petitioner including the approved plan before deciding the matter. In case any clarification or explanation is required concerning such evidence, Respondent No.2 may call for such clarification or explanation from the Petitioner before the

matter is finally decided.

3 In the event any order is passed by the Authority on remand against him, the Petitioner shall be at liberty to agitate the matter before the Civil Court by filing appropriate proceedings.

4 All rights and contentions of the parties are kept open.

5 It is clarified that this order is passed in the peculiar facts and circumstances of the case and shall not be used as a precedent in other cases.

6 The Petition is disposed of accordingly.

7 No order as to costs.

(S.C.GUPTE, J.)