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

WRIT PETITION No. 1067 OF 2015

WITH

RESTORATION APPLICATION No. 247 OF 2015

IN

WRIT PETITION (L) No. 2362 OF 2014

Mohamad Suhel

... Petitioner

Vs.

Municipal Corporation of Gr. Mumbai & Ors.... Respondents

Mr. P. S. Dani, Sr. Counsel i/b Mahindra B. Deshmukh, for the
Petitioner.

Ms. Shobha Ajit Kumar, for the Respondent - BMC.

CORAM : V. M. KANADE, &
M. S. KARNIK, JJ.

DATE : APRIL 11, 2016

PC.

1. Heard the learned counsel appearing on behalf of the
Petitioner, and the learned counsel appearing on behalf of Respondent
– Corporation. None appears on behalf of Respondent No. 6 –
Developer. The grievance of the Petitioner is that though he has been
held eligible to get alternate accommodation in the scheme of

redevelopment under the provisions of D.C.R 33(7), the Developer is not putting him in possession.

2. Though several opportunities were given to the Respondent No. 6, no appearance was filed on his behalf. The learned counsel appearing on behalf of the Respondent – Corporation submits that several letters have been written by her asking the concerned officer to give instructions. She has shown us bunch of letters, which were sent by her from time to time. Since no reply has been filed either by the Corporation or by Respondent No. 6, the averments made in the petition remained uncontroverted, and we have no other option but to allow the petition. Writ petition is, therefore, allowed in terms of prayer clause (A), and is accordingly disposed of.

Sd/-
[M. S. KARNIK, J.]

Sd/-
[V. M. KANADE, J.]

Vinayak Halemath