

Urmila Ingale

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 649 OF 2015

Khiladi Komal Yadav .. Petitioner
Vs.
Municipal Corporation of
Greater Mumbai and anr. .. Respondents

Mr.R.K.Mendadkar, for the Petitioner.
Ms.Geeta Joglekar, for Respondents.

**CORAM : SHANTANU.S.KEMKAR &
M.S.KARNIK, JJ.
DATE : 20th JUNE, 2016**

P.C. :

. Through this Petition filed under Article 226 of the Constitution of India, the petitioner is seeking direction to the respondents to decide his representation dated 08/02/2014 Exhibit 'D'. According to the averments made in the Petition, the respondents are taking action against the petitioner thereby demolishing the structure occupied by the petitioner standing on the 44 ft D.P. Road from Jogeshwari Railway Station to S.V.Road, Jogeshwari (West), Mumbai-400102. On 26/09/2014, the Division Bench of this Court observed thus :

“Notice is issued in February 2014. The submission is made by the learned counsel appearing for the petitioner, to stay the action based upon the same. The claim of the petitioner as stated to be based upon the existence of structure prior to 1st January 1995, only needs to be adjudicated. The respondent – Corporation/other Authorities are under obligation to do so. In view of the scheme so already published, as the project is of widening of road, no case of any interim relief is made out. Stand over to 28/10/2014.”

2. Learned Counsel for the petitioner submits that this Petition may be disposed of by directing respondents to consider and take appropriate decision on the petitioner's pending representation- Exhibit 'D'.

3. Having regard to the submissions made by the learned Counsel for the parties, we dispose of this Petition by directing the Competent Authority of Municipal Corporation to consider and take appropriate decision on the petitioner's representation Exhibit 'D' as expeditiously as possible but not later than 3 months from the date of receipt of copy of this order. Needless to say that we have not expressed our opinion on the merits of the matter.

(M.S.KARNIK, J.)

(SHANTANU.S.KEMKAR, J.)