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

WRIT PETITION (L) NO. 3046 OF 2016

Mrs. Leena Atul Raimangya & Anr.

...Petitioner

Vs.

Mumbai Municipal Corporation of Greater
Mumbai & Anr.

...Respondents

Mr. Ram Soni a/w. Mr. D.F. Sharma
i/b. Dharam & Co., for Petitioner
Ms. Vandana Mahadik, Advocate for the BMC

CORAM : NARESH H. PATIL &

M.S. KARNIK, JJ.

DATED : 16TH NOVEMBER, 2016

PC. :

The Petitioner challenges the notice annexed at page 31 **Exhibit-F** dated 10th October, 2016. The Petitioner filed reply to the said notice. Reliance is placed on certain documents including the certificate annexed at page 22 issued by the Assistant Assessor and Collector, Assessment & Collection Department.

2. Learned Counsel appearing for the Corporation submits that the notice issued regarding the construction which was

beyond the datum line for the construction of commercial structures on property bearing Ward No. FN3918 (21E) SAC No.FN1011750000000 is 01/09/1965.

3. On the above submissions we are of the view that personal hearing be given by the concerned Officer of the Corporation and after considering the submissions appropriate order be passed on its own merits. We direct the Corporation accordingly.

4. In view of the above impugned notice is quashed and set aside. The Petitioner to produce relevant documents before the concerned Officer within 2 weeks from today and we direct the Officer to pass appropriate order thereafter within further 2 weeks.

5. The Petition is disposed of. Status-quo as on today is continued for a period of four weeks.

(M.S. KARNIK, J.)

(NARESH H. PATIL, J.)