

FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.6894/2017

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. Chaitanya Bhandarkar for the petitioner
Mrs. Vaishali Nimbalkar, AGP for respondent State.
Mr. Tushar Mhatre respondent No.3 in person.

CORAM : K. K. TATED, J.

DATE : JULY 19, 2017

P.C.:

1. Heard. By this petition under Article 227 of the Constitution of India the Petitioner challenges the order dated 17.02.2017 passed by respondent No.1 Additional Collector (Encroachment and Removal) Western Suburb and Appellate Authority, Mumbai rejecting the petitioner's appeal No.188/2016 which was filed by him against the order dated 12.02.2016 passed by respondent No.2 u/s.3 (z)(2) of the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971.

2. By order dated 12.02.2016 the respondent No.2 Dy. Collector passed order u/s.3(z)(2) of the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971 held that the

structure in occupation of the petitioner i.e. first floor is unauthorised and same is directed to be removed within 30 days.

3. During the course of arguments, when this court called upon the petitioner to place on record any documentary evidence to satisfy that the suit structure is authorized as per the Corporation norms, he is unable to do so. He has referred to the documents that were filed by him before the Authority and which were referred to by the Appellate Authority in the impugned order dated 17.02.2017.

4. It is to be noted that the Dy. Collector as well as the Additional Collector, by impugned orders held that the petitioner has failed to produce any document showing authorization of the suit structure. Even before this court, the petitioner has failed to do so.

5. Considering these facts, I do not find any reason to entertain the Writ Petition to challenge the concurrent findings of facts recorded by both the authorities below. Hence, the Writ Petition stands rejected.

JUDGE