

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 6466 OF 2013
WITH
CIVIL APPLICATION NO. 1475 OF 2014

Isartunisa Abdul Hakim Shaikh

.. Petitioner

Vs.

Commissioner, Kalyan Dombivli

Mahanagarpalika and anr.

.. Respondents

And

Iqbal Ahmad Abdul Hakim Shaikh

.. Applicant

Mr. P. R. Arjunwadkar for petitioner.

Mr. Milind Parab i/by Milind Parab & Associate for the applicant in
CAW No. 1475 of 2014.

Mr. Prashant Kamble i/by A. S. Rao for respondent no.1.

**CORAM :- NARESH H. PATIL &
M. S. KARNIK, JJ.**

DATE :- FEBRUARY 22, 2017

P. C. :-

1. Petitioner challenges order dated 18.07.2012 passed by
the Divisional Ward Officer, Kalyan-Dombivli Municipal Corporation.

2. Learned Counsel appearing for the petitioner submits that the petitioner, who is at a advanced age, could not submit the relevant documents, so an opportunity be provided to the petitioner to furnish necessary documents in support of his contentions. Learned Counsel has referred to the relevant documents placed on record.

3. We have perused the record. In the facts, we are not inclined to examine the question of title and possession in exercise of writ jurisdiction.

4. Petitioner desires to produce some more documents before the concerned authority. In the facts, we find it appropriate to allow the petitioner to do so.

5. Petitioner is entitled to file additional documents before the concerned authority of the Municipal Corporation within two weeks from today. In case such documents are placed on record, we direct the Corporation Authority to pass a fresh order after hearing the necessary parties within further three weeks from receipt of such documents, if any.

6. In view of the aforesaid directions, the impugned order shall not be operative.

7. It is clarified that we have not expressed any opinion. All issues on merits are kept open.

8. In view of the aforesaid directions, petition stands disposed of.

(M. S. KARNIK, J.)

(NARESH H. PATIL, J.)