

Amk

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 13564 OF 2017

Jagjitsingh Joginersingh Reen .. Petitioner
Vs.
Maharashtra Housing and Area Development
Authority & Ors. .. Respondents

Mr. Ajit Ram Pitale for the Petitioner.
Mr. Vikas Mali, Additional Govt. Pleader for the Respondent-State.
Ms. Sheetal Mane for the BMC.

**CORAM : SMT. VASANTI. A. NAIK AND
MR. RIYAZ I. CHAGLA, JJ.**
DATE : 8th DECEMBER, 2017.

P. C. :

It is pointed out by the learned counsel for the respondents that the writ petition is wrongly filed on the appellate side though it ought to have been filed on the original side. We have considered the petition to have been filed on the original side and hence we direct the office to register the same on the original side by considering that we have transferred the matter from the appellate side to the original side. The petitioner to do the needful as required by the office.

The learned counsel for the petitioner states that though the structure of the petitioner was in existence before 1995 and MHADA was receiving the rent from the petitioner, a portion of the structure that was used as dhaba is demolished by MHADA without following the due process of law. It is submitted that the part of the structure is still in existence and the petitioner's family resides in the same. It is stated that the petitioner is threatened that the remaining structure would also be demolished.

Issue notice to the respondents returnable after Christmas vacations.

Learned Additional Government Pleader, Shri Mali waives notice on behalf of the respondent No.3. Learned counsel, Ms. Mane waives notice on behalf of the respondent No.2.

The service to the respondent No.1 by speed post in addition to the regular mode of service is permitted.

The respondents are restrained from demolishing the remaining portion of the structure of the petitioner till the returnable date.

[RIYAZ I. CHAGLA, J.]

[SMT. VASANTI A. NAIK J.]