

FARAD CONTINUATION SHEET  
IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (L) NO.477 OF 2017

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| Office Notes, Office Memorandum - Coram, Appearances, court's orders or directions and Prothonotary's orders | Court's or Judge's orders |
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Mr.Ditendra Mishra for the petitioner

Ms.Shital Mane for the respondent

Mr.Narendra Barde, Dy.Municipal Commissioner,  
Zone 6 present in court

**CORAM : K. K. TATED, J.**

**DATE : FEBRUARY 17, 2017**

**P.C.:**

- 1 Heard the learned counsel for the parties.
- 2 By this petition under Article 226 and 227 of the Constitution of India the Petitioner is challenging the notice dated 24.1.2017 issued by respondent Municipal Corporation of Greater Mumbai under section 55 of the Maharashtra Regional Town Planning Act, 1966 in respect of the property adjacent to Godrej Colony Compound Wall, Opp.Eastern Express Highway, Phirojsha Godrej Marg, Vikhroli (East), Mumbai 400 079 calling upon the petitioner to remove unauthorised development within 15 days from the receipt of notice.

3 The learned counsel for the petitioner submits that as soon as they received notice dated 24.1.2017, they immediately addressed the letter dated 10.2.2017 to the Asst. Municipal Commissioner, N Ward, Ghatkopar (East) and Asst.Engineer (B&F)-I, N Ward, Ghatkopar (East) stating that the suit property is not unauthorised construction.

4 The learned counsel for the petitioner in support of his contention relies on the Census Survey Form dated 18.10.1976 and also Affidavit cum Declaration of Mr.Noor Safi Siddiqui dated 19.1.1994. He submits that the respondent Corporation without considering their reply and or giving any hearing directed the petitioner to remove the suit structure.

5 On the other hand the learned counsel for the respondent Corporation after taking instruction from Officer Mr.Narendra Barde, Dy.Municipal Commissioner, Zone 6 who is present in court.. makes a statement that they are ready and willing to give hearing to the petitioner to justify whether the suit structure was constructed by them after obtaining proper permission from the Corporation and or same is protected as per the government policy.

6 In view of the statement made by the learned counsel for the Corporation, following order is passed:

- a) Petitioner is permitted to make representation in writing along with all his documents within one week from today to the Deputy Municipal Commissioner, Zone 6, N Ward, Ghatkopar (East), Mumbai 400 075.
- b) Respondent Corporation to decide their representation after giving hearing as early as possible in any case within 3 weeks from the date of receipt of the present Writ Petition.
- c) Till the final order on representation is served on the petitioner, parties are directed to maintain status quo in respect of the suit property as of today.
- d) If representation is not made within stipulated time as stated hereinabove, in that case, Respondent Corporation can take action against the petitioner.
- e) Writ Petition stands disposed of accordingly.
- f) Parties to act on authenticated copy of this order.

JUDGE