

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

WRIT PETITION (L) NO.479 OF 2017

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 25.1.2017 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 impugned notice they immediately replied the concerned officer by their reply dated 8.2.2017. He submits that they have filed affidavit of Kasam Hasan Inamdar dated 27.9.1994 to show the existence of the suit premises. He also relied on the affidavit of Mr.Nathu Pratap Rathod dated 11.10.2011, general power of attorney dated 24.4.2012 and notice issued by the Corporation under section 162(2) of the Municipal Corporation Act in respect of the suit property. On the basis of these submissions, the learned counsel for the petitioner submits that respondents may be directed to give the petitioner a personal hearing so that he can justify the existence of the suit structure for last several years.

4 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 form from the Corporation and or same is protected as per the Government policy.

5 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 representation from petitioner.
- c) If representation is not made by petitioner within time as stated hereinabove, respondent Corporation are free to take action against respondents.
- d) Till the final order is served on the petitioner, parties are directed to maintain status quo in respect of the suit property as of today.
- e) Writ Petition stands disposed of accordingly.
- f) Parties to act on authenticated copy of this order.

JUDGE