

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

WRIT PETITION (L) NO.1017 OF 2017

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Prothonotary's orders	Court's or Judge's orders
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Mr.H.S.Anand for the petitioner
Mr.Kedar Dighe, A.G.P for the respondent nos.1 to 3
Mr.Rajan B. Yelve, Naib Tahsildar, Dy.Collector (EIR) & Competent Authority, Bandra present in court

**CORAM : K. K. TATED, J.
DATE : APRIL 18, 2017**

P.C.:

- 1 Heard the learned counsel for the parties.
- 2 By this petition under Article 226 of the Constitution of India, the Petitioner challenges the order dated 21.3.2017 passed by Appellate Authority, Additional Collector (Encroachment) and C.A., M.S.D. Bandra (E), Mumbai in Appeal No.506 of 2015.
- 3 The learned A.G.P for respondent nos. 1 to 3 after taking instruction from his officer Mr.Rajan B. Yelve, Naib Tahsildar, Dy.Collector (EIR) & Competent Authority, Bandra who is present in court makes a statement that they have no objection to set aside the order dated 21.3.2017 in respect of Appeal No.506 of 2015 with liberty to

the petitioner to file their additional pleading if any, and they will decide the matter on its own merits after giving hearing. He further submits that contention of both the parties be kept open so that matter can be decided on its own merits.

4 Considering the submissions made by both the parties and the statement made by the learned A.G.P. for the respondent nos.1 to 3, after taking instruction from his officer, who is present in court, following order is passed:

- a) Order dated 21.3.2017 passed by Appellate Authority, Additional Collector (Encroachment) and C.A., M.S.D. Bandra (E), Mumbai in Appeal No.506 of 2015 is set aside.
- b) Appeal No.506 of 2015 is remanded to Appellate Authority, Additional Collector (Encroachment) and C.A., M.S.D. Bandra (E), Mumbai for hearing on merits.
- c) Liberty granted to all the parties to file their additional pleadings, if any, on or before 12.6.2017.
- d) Matter to be decided as early as possible on its own merits after hearing both the sides but in any case on or before 29.7.2017.
- e) Writ Petition stands disposed of accordingly.

(K.K.TATED, J.)