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

WRIT PETITION (L) NO. 2289 OF 2017

Noor Mohammad Shaikh

..... Petitioner.

V/s

The Municipal Corporation of
Greater Mumbai and Others

..... Respondents.

Mr. Surajeet P. Chavan for the Petitioner.

Ms. K.H. Mastakar for Respondent Nos. 1 to 4.

Mr. Umashankar Upadhyay, Asst. Govt. Pleader for Respondent No.5 –
State.

Mr. Bhavin Gada a/w Ms. Yogini Gada i/b M/s Harkchand & Co. for
Respondent Nos. 6 and 7.

**CORAM: B. R. GAVAI &
M.S. KARNIK, JJ.**

DATE: 11th September, 2017

P.C.:-

1] The Petitioner has approached this Court against the Order dated 7th August, 2017 passed by Respondent No.5, thereby rejecting the appeal filed by the present Petitioner.

2] It is the contention of the Petitioner that the appellate order has been passed by the State Government after the matter was remanded to the Respondent – Authority with permission to implead the

interveners as party respondents. It is submitted that the authority, only on the basis of reply filed by the intervener and without giving an opportunity to meet the allegations made therein to the Petitioner, has passed the impugned order.

3] In that view of the matter, learned Counsel appearing on behalf of the contesting Respondents/Interveners does not have objection for setting aside the impugned order and remanding the matter to Respondent No.5 for deciding it afresh, after giving an opportunity of being heard to all the parties.

4] In the result, the impugned order is quashed and set aside. Respondent No.5 is directed to hear all the contesting parties and pass an appropriate order in accordance with law. Till Respondent No.5 decides the appeal on merits, parties shall maintain status quo. Respondent No.5 is directed to decide the appeal as expeditiously as possible and within a period of 8 weeks from today.

(M. S. KARNIK, J.)

(B. R. GAVAI, J.)