

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

WRIT PETITION (L) NO. 2617 OF 2017

Amrapali Budh Vihar Sudhar Sangh .. Petitioners
vs.
Assistant Commissioner 'L' Ward
MCGM & Ors. .. Respondents

Mr. Makrand Kale i/b. V. S. Daware for Petitioners.
Mr. Himanshu Takke – AGP for State - Respondent No. 3.

CORAM : M. S. SONAK, J.
DATE: 21 SEPTEMBER 2017

P.C :

- 1] Not on board. In view of urgency, taken on production board.
- 2] Learned counsel for the petitioners states that service has been effected on all the respondents, including in particular, the Municipal Corporation of Greater Mumbai (MCGM).
- 3] The challenge in this petition is to the communication dated 31st August 2017, which requires the petitioners to demolish a religious structure. The petitioners points out that upon receipt of the aforesaid communication, the petitioners have made a detailed representation dated 16th September 2017 to the Assistant Commissioner (respondent No. 1) explaining how the structure is not affected by the directions given by the Hon'ble Supreme Court and the Hon'ble High Court. Learned counsel for the petitioner submits that the impugned communication was made without compliance with the principles of natural justice and there is no consideration of the petitioners response dated 16th September 2017.

4] Taking into consideration the aforesaid circumstances, it will be appropriate to direct the respondent No. 1 to consider the petitioners representation dated 16th September 2017 and further, afford an opportunity of hearing to the petitioner on 4th October 2017 at 3.00 p.m. or such further date as per the convenience of the respondent No. 1. Thereafter, respondent No. 1 to dispose of the said representation. Till then, the respondent No. 1 not to act on basis of the impugned communication dated 31st August 2017. Respondent No.1 is directed to complete this exercise as expeditiously as possible and in any case within a period of four weeks from today.

5] The petitioner to co-operate in the matter and not to delay the same.

6] The petitioner is directed to forthwith communicate this order to the respondent No. 1, since, it is the case of the petitioner that despite service, the respondent No. 1 has not appeared in the matter.

7] All concerned to act on basis of authenticated copy of this order.

8] The petition is disposed of in the aforesaid terms. There shall be no order as to costs.

(M. S. SONAK, J.)