

psv

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

**WRIT PETITION (L.) NO.2752 OF 2017**

|                                        |               |
|----------------------------------------|---------------|
| M/s.Spark Developers                   | ..Petitioner  |
| Vs.                                    |               |
| Smt.Savitribai Dattaram Mayekar & Ors. | ..Respondents |

-----

Mr.S.A. Sawant with Mr.H.Kode for Petitioner.  
Mr.M.S. Surana for Respondent No.1.  
Mr.Rajiv Matkar for Respondent No.2.  
Ms.Pooja Yadav for BMC/MCGM.  
Mr.Tejas Gohale i/b. M/s.A. Purohit & Co. for SRA.  
Mr.K.R. Trivedi, AGP for State.

-----

**CORAM : SHANTANU S. KEMKAR AND  
G.S. KULKARNI, JJ.**

**DATE : 2<sup>nd</sup> NOVEMBER 2017**

**P.C.:**

Challenging the order dated 8<sup>th</sup> September 2017 (Exhibit I) passed by the Grievances Redressal Committee in Appeal No.66 of 2017, the petitioner/developer has filed this petition.

2. We find that by the impugned order, the appeal filed by the respondent No.1 has been allowed by setting aside the order passed by the Assistant Municipal Commissioner and the direction has been issued to the Assistant Municipal Commissioner, G/South Ward, Municipal Corporation of Greater Mumbai, to decide the

issue of the Eligibility of the respondent No.1 herein within a period of one month from the date of said order, by giving a fresh opportunity to all concerned. It has been directed that after deciding eligibility of the respondent No.1, competent authority is at liberty to execute order of the Additional Collector dated 4<sup>th</sup> July 2017 by giving 7 days time to the respondent no.1, to vacate.

3. The learned Counsel for the petitioner submits that even after a lapse of one month, the said order has not been complied with by the Assistant Municipal Commissioner, G/South Ward, Municipal Corporation of Greater Mumbai.

4. Having considered the submissions made by the parties as agreed by the learned Counsel for the parties, we dispose of this petition by directing the Assistant Commissioner, G/South Ward-respondent No.6 to consider and take appropriate decision in terms of the order passed by the Grievances Redressal Committee, Mumbai City, in Appeal No.66 of 2017 as expeditiously as possible, but in any case not later than two weeks from the date of conclusion of hearing before the said authority.

5. The parties are directed to appear before the said authority initially on 7<sup>th</sup> November 2017 at 03.00 p.m. On that date or within a period of one week from that date, the hearing of the parties shall be completed by the said authority and order be passed within two weeks thereafter.

6. All contentions of the parties are kept open.

7. Needless to say that in case the respondent no.1 is held eligible for allotment of alternate premises, she will vacate the premises in question within 7 days as directed by the Grievances Redressal Committee, Mumbai City.

8. The Petition is disposed of.

**[G.S. KULKARNI, J.]**

**[SHANTANU S. KEMKAR, J.]**