

Anand

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 9940 OF 2017

Smt. Sonali Naresh Govari .Petitioner

Vs.

The State of Maharashtra & ors. .Respondents

Mr. K. S. Patil, Advocate, for the Petitioner

Ms A. A. Purav, AGP, for the Respondent Nos. 1 & 2 - State

Ms Swati H. Sagvekar, Advocate, for the Respondent Nos. 3 & 4 -
MCGM

**CORAM : RANJIT MORE &
REVATI MOHITE DERE, JJ.**

DATE : 17.12.2018

P.C.

. Heard learned counsel for the parties.

2. The Petition is filed for the following reliefs :-

(a) This Hon'ble Court be pleased to issue Writ of mandamus or any other appropriate writ, order thereby quashing and setting aside bill dated 24.07.2015 for an amount of Rs. 2,99,250/- raised by the Respondent No. 3 for removal of encroachment over the Petitioner's property bearing Survey No.

86, Hissa No. 1/2, 1/4, and 1/5 situated at village Virar, Tal. Vasai, District : Palghar;

(b) This Hon'ble Court be pleased to issue Writ of mandamus or any other appropriate writ, order thereby directing the Respondents to remove the encroachment over the Petitioner's tribal land bearing Survey No. 86, Hissa No. 1/2, 1/4, and 1/5 situated at village Virar, Tal. Vasai, District : Palghar and to handover vacant possession to the Petitioner.

3. Insofar as the relief claimed in prayer clause (a) is concerned, the Petitioner is challenging the notice dated 24.07.2015 asking her to pay an amount of Rs. 2,99,250/- for removal of an encroachment. Insofar as the relief claimed in prayer clause (b) is concerned, learned counsel for the Respondent Nos. 3 & 4 - MCGM placed on record a letter dated 15.12.2018 issued by the Incharge, Assistant Commissioner, Vasai Municipal Corporation addressed to the Petitioner. By the said letter, the Petitioner is informed that the expenses for demolition of an unauthorized construction would be recovered from the Developer. In view of the said letter, Mr. Patil, learned counsel for

the Petitioner fairly states that he does not want to press the relief claimed therein.

4. Mr. Patil, learned counsel for the Petitioner submits that insofar as the relief claimed in prayer clause (b) is concerned, the Petitioner would be satisfied, if the Respondent No. 3 – The Municipal Commissioner is directed to decide her representations dated 27.10.2015 & 22.12.20115, copies of which are annexed at “Exh. L” and “Exh.M”.

5. Learned counsel for the Respondent Nos. 3 & 4 - MCGM fairly states that appropriate order may be passed.

6. In the light of above, we dispose off the Petition by directing the Respondent No. 3 – The Municipal Commissioner to decide the Petitioner's representations, being “Exh. L” & “Exh. M” as expeditiously as possible and in any event within a period of six weeks from the date of receipt of this order. The representations shall be decided after hearing all the concerned parties. In order to enable the Respondent No. 3 – The Municipal Commissioner to

decide the Petitioner's representations, the Petitioner shall remain present before the appropriate authority on 20.12.2018 alongwith copies of representations dated 27.10.2015 & 22.12.20115 and a copy of this order.

7. It is made clear, that we have not gone into the merits of the case. All points and contentions of all the parties are expressly kept open.

(REVATI MOHITE DERE, J.)

(RANJIT MORE, J.)