

IN THE HIGH COURT OF JUDICATURE AT BOMBAY***CIVIL APPELLATE JURISDICTION*****WRIT PETITION NO. 2564 OF 2016****Mrs.Shahin Banu Sayed****..... Petitioner****VERSUS****The Additional Collector (Enc.& Rem.),
Appellate Authority & Ors.****..... Respondents**

Mr.Angad Giri for the Petitioner.

Mr.S.H.Kankal, A.G.P. for the State.

Ms.Oorja Dhond, i/b. Mr.Prashant Chougale, Junior Engineer (Maint.),
Respondent no.2 – BMC.**CORAM : R.D. DHANUKA, J.****DATE : 20th FEBRUARY, 2018****P.C.**

After hearing learned counsel for the parties, this court had directed the learned counsel for the Municipal Corporation to direct the concerned officer of the Municipal Corporation of Greater Mumbai to remain present before this court. Pursuant to the said order dated 15th February, 2018, an officer of the Municipal Corporation of Greater Mumbai is present in court. Learned counsel for the Municipal Corporation on instructions from the officer who is present in court states that the application of the petitioner would be reconsidered by the concerned officer and a fresh order would be passed within one week from the date of hearing.

2. The petitioner is directed to remain present before the Assistant

Commissioner, K/West Ward and shall produce all the documents in possession of the petitioner to establish his case. It is made clear that no further extension would be granted. The documents shall be produced before the learned officer at the time of hearing. The learned Assistant Commissioner shall pass a fresh order within one week from the date of conclusion of the hearing of the petitioner.

3. The petitioner shall not be dispossessed from the structure in question for a period of four weeks from today. During this period, the petitioner shall not create any third party rights in respect of the suit structure.

4. The petitioner is directed to remain present before the Assistant Commissioner, K/West Ward at 11.00 a.m. on 23rd February, 2018.

5. The parties as well as the learned Assistant Commissioner, K/West Ward to act on the authenticated copy of this order.

6. The impugned order dated 8th October, 2015 is set aside.

7. The petitioner shall not be dispossessed for one week if any adverse order is passed by the learned officer, from the date of communication of the order.

8. Writ petition is disposed of in the aforesaid terms. No order as to costs.

[R.D. DHANUKA, J.]