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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.6996 OF 2015

WITH
CIVIL APPLICATION (STAMP) NO.33926 OF 2017
IN
WRIT PETITION NO.6996 OF 2015

Shree Vivekanand Nagar Co-op. Hsg. Soc. Ltd. ...Petitioner
V/s.
City Survey Officer, Mumbai & Ors. ...Respondents

Ms.Manasi Bandiwadekar I/b Mr.Yogendra Raval, Secretary of
Society for the Petitioner.

Mr.S.H. Kankal, A.G.P. for the State – Respondent Nos.1 to 3.

CORAM : R.D. DHANUKA, J.
DATE : 16TH JULY, 2018.

P.C. :-

1. By this petition filed under Article 227 of the Constitution of India, the petitioner has impugned the order dated 19th August, 2014 passed by the respondent no.2 thereby dismissing the appeal filed by the petitioner for non-removal of the office objection.

2. I have heard the learned counsel for the parties and have perused the averments made in the writ petition. The petitioner has averred in the writ petition that all the office objections were already removed by the petitioner and a letter was written by the learned

counsel for the petitioner informing the respondent no.2 about the removal of the office objections and requesting the respondents to place the said appeal for hearing and final disposal by the Appellate Authority. Such averment is made in paragraphs 19 and 20 of the writ petition. No affidavit in reply is filed. There was no response to the letter addressed by the learned advocate for the petitioner to the authority stating that all the office objections are already removed.

3. In my view, the impugned order passed by the authority annexed as Exhibit "F" thereby rejecting the appeal on the ground that the office objections are not removed is totally perverse and deserves to be set aside.

4. I therefore, pass the following order :-

a). The order dated 19th August, 2014 passed by the respondent no.2 dismissing the appeal is set aside. The appeal filed by the petitioner is restored to file. The statement made in the writ petition that all the office objections are removed by the petitioner is accepted.

b). The respondent no.2 is directed to dispose of the said appeal on its own merit expeditiously and not later than four months from the date of the first hearing.

c). The writ petition is disposed of in aforesaid terms. There shall be no order as to costs.

d). The petitioner is directed to appear before the respondent no.2 on 6th August, 2018 at 11:00 a.m. without fail.

5. All the parties including the Authorities to act on the authenticated copy of this order.

6. In view of the earlier advocate having given N.O.C., the Civil Application (Lodging) No.33926 of 2017 does not survive and is accordingly disposed of.

(R.D. DHANUKA, J.)