

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

WRIT PETITION (L) NO.656 OF 2018

Anand Kantibhai Dhodi

... Petitioner

Versus

Dube Constructions Company
(Formerly Known as Parag Constructions
& Partners)

.... Respondents

.....

Mr. Sanjiv Sawant a/w Mr. Rohan Mahadik a/w Mr. Ritu Pawar I/b The
Juris Partners for the Petitioner.

Mr. Rajiv Narula I/b Jhangiani Narula & Associates, for Respondent No.1.

Ms. Pooja Yadav for Respondent No.2-MCGM.

Ms. Ayushi Shah I/b Ashwin Ankhad & Associates for Respondent No.3.

Ms. Jyoti Chavan, AGP for Respondent No.4.

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CORAM : S.C.GUPTE, J.

DATE : 23 MARCH 2018

P.C. :

1. This Petition challenges an order passed by the Municipal Corporation of Greater Mumbai, granting commencement certificate to Respondent No.1-Developer to develop the suit property. The grievance of the Petitioner is that the Petitioner, who is the owner of the land is a tribal and his land cannot be allowed to be developed in the manner proposed. Respondent No.1 disputes this position. Be that as it may, since the Petitioner's application/representation for re-transfer of this land is pending before the Collector, Mumbai Sub-urban District, Learned Counsel for the Petitioner is agreeable not to press his petition, if the application/representation is expeditiously heard by the Collector.

2. Learned Counsel for the State, after taking instruction, from the concerned Tahasildar, states that Petitioner's application/representation will be considered and a final decision will be taken thereon within a period of eight weeks from today. The statement is accepted.

3. Petition is dismissed as not pressed, with liberty to file a fresh petition seeking a similar relief or challenge the order, if any, passed on his application/representation. Respondent No.4 shall decide the Petitioner's representation within eight weeks from today. All rights and contentions of the parties on merits are kept open.

4. The Petitioner's application/representation shall be considered as an appeal under Section 4 of the Maharashtra Restoration of Lands to Scheduled Tribes Act, 1974. The Respondent-Collector shall before deciding the Petitioner's appeal give a hearing to Respondent No.1 and also to Respondent No.3-BEST and decide the Petitioner's appeal by a reasoned order.

(S.C.GUPTE, J.)