

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

WRIT PETITION (LDG.) NO. 929 OF 2018

Akbarali Hasanali Dandawala. ... Petitioner.
V/s.
Municipal Corporation of Greater Mumbai. ... Respondents.

Mr.Pradeep J. Thorat for the petitioner.
Ms.Shital Mane for the respondent- MMC.

CORAM : A.S.OKA AND RIYAZ I CHAGLA, JJ.

DATE : 21st March 2018.

P.C.:

Not on board. Taken up on board.

2. Heard the learned counsel for the petitioner and the learned counsel for the respondents. Prayer (a) of the petition seeks a writ of mandamus directing the respondents to take a decision on the application dated 30th November 2002 made by the petitioner. It is too late to make a grievance in the petition filed on 19th March 2018 that the application made 15 years back has not been decided. Therefore, we decline to grant any relief in terms of prayer clause (a). Prayer (b) cannot be considered as prayer (a) cannot be considered.

3. As far as prayer clause (c) is concerned, the learned counsel appearing for the respondent- Municipal Corporation, on instructions from Mr.Pravin M. Potke, Junior Engineer (Maintenance), H/West Ward, states that after considering the reply of the petitioner and after

considering the documents produced by the petitioner, the appropriate officer of the Corporation will pass a speaking order on the notice dated 10th March 2018. We accept the said statement. Accordingly, the petition need not be kept pending and we dispose the same by passing the following order:

- (i) It will be open for the petitioner to produce documents in support of his reply to the notice dated 10th March 2018 within a period of two weeks from today;
- (ii) The appropriate officer of the first respondent-Municipal Corporation shall pass a speaking order on the notice dated 10th March 2018 issued under section 314 of the Mumbai Municipal Corporation Act, 1888 as expeditiously as possible and, in any event, within a period of two months from today;
- (iii) The order passed on the notice shall be communicated to the petitioner. Till the communication of the said order, no action shall be taken on the basis of the notice dated 10th March 2018. If the order be adverse to the petitioner, action of demolition shall not be taken for a further period of two weeks from the date on which the order is served on the petitioner;
- (iv) All contentions on merit are kept open.
- (v) Petition is disposed of on the above terms.

(RIYAZ I. CHAGLA, J.)

(A.S.OKA, J.)