

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO.3069 OF 2015**

Church St.Vincent De Paul and anr.Petitioners
versus
Municipal Corporation of Greater Mumbai and ors.Respondents

Mr. Chirag Mody along with Mr. Piyush Raheja, Mr. Sunil Gangan,
Mr.Swapnil Shikhare and Mr.Akshat Shah I/b. R.M.G.Law Associates,
advocates for the petitioners.

Ms. K. H. Mastakar, advocate for the Corporation.

Mr. H. Toor along with Mr. Sagar Pawar and Ms. Padmini Ainapure I/b. S.
K. Legal, Associates, advocate for the respondent No.8.

Mr. Sagar M. Rane, advocate for the respondent No.11.

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

DATE : 22nd NOVEMBER, 2018.

P. C. :

Learned counsel for the respondent Nos.1 to 7, on instructions of Shri Shivanand Medigeri, Assistant Engineer (Building Proposal), 'H' Ward, who is present before the Court, makes a statement that the impugned order i.e. the order dated 6th February, 2015, passed by the Executive Engineer, Building Proposal, (Western Suburbs) "H" Ward, which is annexed at page 224 of the petition, shall be withdrawn and the complaint made by the petitioner – Trust regarding alleged change of user of the premises by the members of the respondent No.11-Society would be considered afresh by the Deputy Chief Engineer (Building Proposal), Western Suburbs-I. The statement is accepted.

2. In view of the statement, learned counsel for the petitioners, fairly concedes that the grievance raised in the petition, no more survives at this stage. The writ petition is, accordingly, disposed of.

3. It is made clear that this order should not be construed as expression of any opinion on merits, and all rights and contentions of the respective parties are kept expressly open.

4. The Deputy Chief Engineer, (Building Proposal), Western Suburbs-I, shall while deciding the complaint regarding the change of user of members of the respondent No.11-Society shall hear all concerned and shall pass speaking order as expeditiously as possible and, in any case, within a period of six weeks from the date of receipt of this order.

5. The petitioners shall remain present before the the Deputy Chief Engineer (Building Proposal), Western Suburbs (I) along with the copy of this order on 28th November, 2018, at 11.00 am in order to enable him to dispose of the subject complaint. The parties are entitled to place documents on record in support of their contentions.

[REVATI MOHITE DERE, J.]

[RANJIT MORE, J.]