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

WRIT PETITION LODGING NO. 3149 OF 2018

Venkat Ailayi Bhasha Boina and ors.

.. Petitioners

Vs.

Mumbai Municipal Corporation & Ors.

.. Respondents

Mr. M. M. Vashi, Sr. Advocate a/w Ms. Aparna Deokar I/by M. P. Vashi Associates for petitioners.

Mr. A. Y. Sakhare, Sr. Advocate a/w Mr. Rajesh Patil, Ms. Vandana Mahadik for MCGM.

CORAM: NARESH H. PATIL, ACTING CJ. &
G. S. KULKARNI, J.

OCTOBER 05, 2018.

P.C.

1. The learned Senior Counsel Mr. Sakhare, appearing for the Corporation, submits that the Corporation intends to issue fresh notice to the petitioners in accordance with the directions issued by the Division Bench of this Court (Coram : B. R. Gavai and M. S. Karnik, JJ.) in Writ Petition No. 652 of 2017 and connected matters on 1/11/2017. The learned Senior Counsel submits that within two weeks from today fresh notice, as stated above, will be issued to the petitioners.

2. After service of said notice by the Designated Authority of the Corporation, petitioners/affected parties are at liberty to file reply to the said notice within two weeks thereafter. The Designated Authority, thereafter, would hear the petitioners/affected parties and decide the issue by giving brief reasoned order, in case the petitioners/affected parties appear before it within one week thereafter.

3. The schedule of hearing is as under :-

(a) The Corporation / Designated Authority would issue fresh notice to the petitioners / affected persons, within two weeks from today, in accordance with the directions issued by the Division Bench of this Court (Coram : B. R. Gavai and M. S. Karnik, JJ.) in Writ Petition No. 652 of 2017 and connected matters on 1/11/2017.

(b) Within two weeks thereafter, the petitioners / affected parties are entitled to file reply.

(c) After filing of reply, within the stipulated time, the Designated Authority/Corporation would hear the petitioners/affected parties on 2/11/2018, in case they appear before it, and decide the issue by giving brief reasoned order within one week thereafter.

4. In the light of the above, the impugned orders 24th September, 2018 are quashed and set aside.
5. It is clarified that we have not expressed any opinion on merits of the matter. All issues are kept open.
6. Writ Petition is disposed of accordingly.

G. S. KULKARNI J.

ACTING CHIEF JUSTICE

Pravin
Dasharath
Pandit

Digitally signed
by Pravin
Dasharath Pandit
Date: 2018.10.06
10:15:20 +0530