

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

WRIT PETITION NO.430 OF 2018

Ashrafilal Nayak Gupta

.... Petitioner

versus

The Tahsildar, Borivali,
Mumbai & Ors.

... Respondents

.....

- Mr.S.M. Gawade i/b. Shree & Co., Advocate for Petitioner.

**CORAM : B. P. DHARMADHIKARI &
SARANG V. KOTWAL, JJ.**

DATE : 21st DECEMBER, 2018.

P.C. :

1. Heard respective Counsel.
2. After some arguments, learned Counsel appearing for Respondents sought time to obtain clarification from Respondent No.2 Appellate Authority.
3. Notice impugned in Appeal is issued by Respondent No.1 on 30/05/2017 and it expressly mentions provisions of

section 3(z)(2)(4) of Maharashtra Slum Improvement and Clearance and Development Act, 1971. In impugned order Appellate Authority observes that notice is not issued under said Act.

4. This observation itself is therefore perverse.
5. We however do not record any finding on maintainability of Appeal, set aside that order and direct Petitioner to appear before Respondent No.2 on 14/01/2019. Respondent No.2 shall hear Petitioner and take fresh decision as per law within next eight weeks.
6. Accordingly present Writ Petition is disposed of.

(SARANG V. KOTWAL, J.)

(B. P. DHARMADHIKARI, J.)