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

WRIT PETITION (LODGING) NO.4251 OF 2018

Vanita Vijay Joshi

...Petitioner

Versus

The Govt. of Maharashtra through Urban
Development Department, Mantralaya,
Mumbai and Ors.

...Respondents

Mr.N.N.Patil, for the Petitioner.

Ms.Rupali Adhate, for the Respondent – M.M.C.

Mr.Milind More, A.G.P. for the Respondent- State.

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

DATE : 19th DECEMBER, 2018

P.C. :

1. Mr.Patil, learned counsel for the Petitioner, at the outset, makes a statement that the grievance of the Petitioner stands redressed as of today, if the concerned Authority is directed to decide the Petitioner's representation dated 20th October, 2018, copy of which is annexed at Exhibit – 'M', page 41 to the Petition.

2. Learned Counsel for the Respondent – M.M.C. states that the said representation would be decided on its own merits and in accordance with law.

3. In the above circumstances, we are of the considered view that this Petition can be conveniently disposed of by directing the Assistant Engineer (Maintenance), 'N' Ward Municipal Office, Mumbai, to decide the Petitioner's representations dated 20th October, 2018 and 13th November, 2018, copy of which is annexed at Exhibit – 'M' and 'N', page 41 and page 43 to the Petition, as expeditiously as possible and in any case within a period of six weeks from the date of receipt of the order.

4. It is made clear that we have not gone into the merits of the matter and the aforesaid representations shall be decided independently, on its own merits and in accordance with law, after giving an opportunity of hearing to the Petitioner. The Petitioner's representations shall be decided by a speaking order.

5. In order to enable the Assistant Engineer (Maintenance), 'N'

Ward Municipal Office, Mumbai, to comply with the aforesaid order, the Petitioner shall remain present before him on 27th December, 2018, at 11.00 a.m., along with copies of the aforesaid representations and a copy of this order.

6. In the event, the order on the said representations is adverse to the Petitioner's interest, the same shall not be implemented for a period of two weeks from the date of communication thereof to the Petitioner.

7. Till the decision on the aforesaid representations of the Petitioner, both the parties shall maintain status-quo of the subject survey structure No.157 (CTS No.320) at the LBS Marg, Ghatkopar (West), Mumbai.

8. The Petition is accordingly disposed of.

REVATI MOHITE DERE, J.

RANJIT MORE, J.