

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION No. 12215 OF 2018

Mira Ashok Waghela ..Petitioner.

Vs

The State of Maharashtra & Ors ..Respondents.

Mr. A.S. Deshmukh, Advocate for the Petitioner.

Mr. Rohit P. Sakhadeo, Advocate for Respondent-Corporation.

Ms. S.D. Vyas “B” Panel Counsel for the Respondent-State.

**CORAM : S.J. KATHAWALLA &
B. P. COLABAWALLA, JJ.**

DATED :- 5th DECEMBER, 2019.

P.C. :-

1. The above Writ Petition is filed by the petitioner seeking the following relief :-

“(b) This Court be pleased to issue the writ of mandamus or certiorari or any other appropriate writ/direction/order in the nature of writ of mandamus or certiorari under Article 226 of the Constitution of India, be pleased to direct Respondent No.2 Corporation to provide alternate shop premises or residential

premises to the Petitioner against the demolition of his commercial shop premises.”

2. The learned advocate appearing on behalf of the Thane Municipal Corporation has pointed out a letter dated 10th July, 2013 addressed by the Corporation to the Petitioner informing her, a copy of which is annexed by the petitioner herself as **Exh.C** to the petition stating that by letter dated 11th March, 2003 she was informed about the alternate premises proposed to be allotted to her. It is submitted that the Petitioner despite receipt of the said letter, failed to respond to the same.

3. The petitioner has not explained as to why the petition is filed in 2017-18 though her hut was demolished in the year 2003 and correspondence with regard thereto is being carried out by and between the petitioner and the Corporation since then.

4. Though the petition can be dismissed on this ground alone, we are not doing so, since the petitioner is a lady who is not literate. Instead we are giving her one more opportunity to make an application to the Corporation seeking alternate accommodation within a period of two weeks from today. Upon receipt of the application, the Corporation shall decide the same within a period of four weeks thereafter. All contentions of both the parties are kept open.

5. The Writ Petition is accordingly disposed of.

(B.P. COLABAWALLA, J.)

(S.J. KATHAWALLA, J.)