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

WRIT PETITION (L)NO.751 OF 2019

Mukesh Devsi Waghadiya ...Petitioner
vs.
The Tahsildar, Borivali & Ors. ...Respondents

**ALONG WITH
WRIT PETITION (L) NO.752 OF 2019**

Jaya Ramji Waghadiya ...Petitioner
vs.
The Tahsildar, Borivali & Ors. ...Respondents

**ALONG WITH
WRIT PETITION (L) NO.753 OF 2019**

Bharat Meghaji Jethawa ...Petitioner
vs.
The Tahsildar, Borivali & Ors. ...Respondents

Mr.S.N.Gawde a/w Anita Dubey I/b M/s.Shree & Co. for
the Petitioner in all petitions
Mr.Kedar Dighe, AGP for State in all petitions

CORAM : A.S.OKA, &
M.S.SANKLECHA,JJ.
DATE : MARCH 27, 2019

P.C.:

. Not on board. Taken on board.

1 Rule. The learned AGP waives service for the
respondent. Forthwith taken up for disposal. Heard
the learned counsel for the petitioner and the

learned AGP for the respondents. The learned counsel for the petitioner submits that the facts of these petitions are identical to the Writ Petition No.535 of 2018 and other connected petitions decided by Judgment and Order dated 14th March 2019. The learned AGP submits that the impugned notice dated 30th May 2017 is not under the provisions of the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971.

2 Apart from the fact that in identical cases, we have held that the notice is under the provisions of the said Act of 1971, on plain reading of the notice dated 30th May 2017 we find that the impugned notice has been issued under the purported exercise of powers under section 3(z)2)(4) of the said Act of 1971.

3 Hence, for the reasons recorded in the order dated 14th March 2019, we pass the following order:

- (I) The impugned orders dated 29th September 2017 (Exhibit-I) are hereby quashed and set aside;
- (II) The appeal/appeals preferred by the petitioners are restored to the file of the Appellate Authority;
- (III) We direct the petitioners to appear before the Appellate Authority on 30th April 2019 at 11.00 a.m for fixing the schedule of hearing;
- (IV) Rule is made partly absolute on above terms;

- (V) All contentions on merits are kept open;
- (VI) All concerned to act upon an authenticated
 copy of this order.

(M.S.SANKLECHA, J.)

(A.S.OKA, J.)