

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

WRIT PETITION (L) NO. 1224 OF 2019

**Mulund Raj Mayur Co-Operative ..Petitioner
Housing Society Ltd.**

V/s.

The State of Maharashtra & Ors. ..Respondents

Mr. A. G. Damle, Sr. Advocate a/w. Mr. J. M. Joshi for the
Petitioner.

Mr. Hemant Haryan, A.G.P. for the Respondent-State.

**CORAM : R. M. BORDE & N. J. JAMADAR, JJ.
DATE : MAY 02 , 2019**

PC :

1. The petitioner is aggrieved by the communication transmitted by the City Survey Officer on 18/09/2017, informing that the application tendered by the petitioner on 26/05/2017 for recording mutation entry in the name of petitioner has been disposed of without recoding any decision. The communication dated 18/09/2017 cannot be equated with order of the authority i.e. the City Survey Officer. It was expected of the concerned officer to deal with the merits of the contentions and pass a speaking order, either granting or rejecting the application.

2. Since the City Survey Officer has failed to pass an order in pursuance to the application tendered by the petitioner on 26/05/2017, we deem it appropriate to direct the City Survey Officer to reconsider the application and pass appropriate orders on consideration of merits of the contentions raised by the petitioner.

3. The communication dated 18/09/2017 cannot be considered as an order and, as such, stands quashed and set aside.

4. The City Survey Officer shall reconsider the application and pass appropriate order, after extending opportunity of hearing to the petitioner, as expeditiously as possible, preferably within a period of three months from today.

5. The Writ Petition is accordingly disposed of.

(N. J. JAMADAR, J.)

(R. M. BORDE, J.)

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