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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION No. 1556 OF 2019

HMC Welfare Association .. Petitioner.

Vs

The Municipal Corporation of Gr.Mumbai & Ors ..Respondents.

Mr. Anilkumar Patil a/with Pankaj Pandey a/with SMIT NAGDA for Petitioners.

Mrs. Shilpa Gajre and Mrs. Vandana Mahadik for MCGM.

Mr. M.A. Sayed, AGP for Respondent-State.

Mr. Viral Vora for Respondent Nos. 5 and 6.

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

DATED :- 18th December, 2019.

P.C. :-

1. Heard. Perused the above Writ Petition for the following relief:-

(b) This Court be pleased to direct the Respondent Nos. 1 to 4 to decide the Representation dated 13.4.2019 submitted by the Petitioner and further to act and enforce the provisions of the Mumbai Municipal Corporation Act thereby directing Respondent No.5 to restore the damage and destructions caused to the structures standing on the Harichand Tetile Mills Compound situated at CTS No.67, LBS Marg, adjacent to Godrej Industries, Vikhroli (West), Mumbai 400 079, and further direct to take action against Respondent No.5 and 6 as provided in law.

2. The members of the Petitioner - HMC Welfare Association shall in their personal capacity submit a fresh representation to the Corporation within a period of four weeks from today which shall be decided by the Assistant Commissioner, "N" Ward within a period of eight weeks from the date of receipt of the same. Before passing the order, the Assistant Commissioner, "N" Ward shall go through the papers in Suit No.13174 of 2018 pending before the City Civil Court, Greater Mumbai and also the ex parte ad-interim order dated 25th September, 2018.

3. All parties shall be given personal hearing before any orders are passed.

4. The learned Judge of the City Civil Court, Mumbai, shall within a period of two weeks from today dispose off the Notice of Motion in which an ex parte order dated 25th September, 2018 is passed.

5. Parties to appear before the concerned Judge of the City Civil Court,

Mumbai on 19th December, 2019 at 11:00 a.m. and produce a copy of this order and obtain necessary directions.

6. All concerned to act on an ordinary copy of this order duly authenticated by the Associate of this Court.

7. The above Writ Petition is accordingly disposed of.

(B.P. COLABAWALLA, J.)

(S.J. KATHAWALLA, J.)