

Shephali

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION (L) NO. 1581 OF 2019**

Hotel Leelaventure Limited ...Petitioner
Versus
Municipal Corporation of Greater Mumbai & Ors ...Respondents

Mr SU Kamdar, Senior Advocate, with Mr Ankoosh Mehta, Ms Dhvani Shani & Ms Durga Agarwal, i/b Cyril Amarchand Mangaldas, for the Petitioner.
Ms Rupali Adhate, for Respondents Nos. 1 & 3.
Mr Abhay Patki, Add. GP, for Respondent No. 2.
Mr Amey Unhone, Junior Engineer, B & F, K/East Ward, present.

**CORAM: S. C. DHARMADHIKARI &
G.S. PATEL, JJ**
DATED: 13th June 2019

PC:-

1. After this Petition was argued for some time, we dispose it of with the following order and direction.

- (a) There are six notices which are impugned in this Petition, copies of which are annexed from pages 17 to 28 of the paper-book.

(b) In each of these notices there is a common reply that is firstly on the point of jurisdiction of the Municipal Corporation of Greater Mumbai to proceed against the alleged unauthorised work, and secondly and in the alternative, it is stated that the construction is carried out as per the MCGM's approved plans, and that there is no violation or breach of the same or of any provisions of law, including the Development Control Regulations of Greater Mumbai.

2. After taking this stand, Mr Kamdar, learned senior Advocate appearing for the Petitioner, says that an opportunity be granted to substantiate each of these submissions including on the point of jurisdiction.

3. We have heard Ms Rupali Adhate appearing on behalf of Respondents Nos. 1 to 3. On instructions from Mr Amey Unhone, who is present in Court, she says that the Assistant Municipal Commissioner, K/East Ward will grant a personal hearing to the Petitioner on 21st June 2019. The said Assistant Municipal Commissioner will take into consideration all the submissions including on the point of jurisdiction and pass a reasoned order.

4. Since we have ensured that the Petitioners are heard and that a personal hearing would be granted as above by keeping open all contentions, we dispose of this Writ Petition.
5. Until the Assistant Municipal Commissioner passes the requisite orders and if the same are adverse to the Petitioner, for a period of 15 days after the orders are communicated, we continue the ad-interim order dated 15th May 2019.
6. The Writ Petition is disposed of in these terms. No costs.

(S. C. DHARMADHIKARI, J)

(G. S. PATEL, J)