

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

WRIT PETITION NO.2471 OF 2018

Jaya Premji Gala and Anr. versus The Asstt. Municipal Commissioner, H/East Ward, MCGM and Anr.	...	Petitioners Respondents
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Ms. Aparna Kalathil with Ms. Sayli Apte, Ms. Priyanka Naik, for Petitioners.
Mr. Ajit Kengale with Ms. Vandana Mahadik, Ms. Sheetal Metakari, for MCGM.

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

DATE: 29th NOVEMBER , 2019

P.C.:

1. Not on board. Upon mentioning, taken on board.
2. By the above Writ Petition, the Petitioner has impugned the letter dated 21st April, 2018 issued to him by the Municipal Corporation of Greater Mumbai (**Corporation**) calling upon the Petitioner to remove the stall/structure occupied by him within a period of 24 hours from the receipt of the said notice. However, it is acknowledged in the said letter that the office of the Corporation has received Annexure II and the stall/structure of the Petitioner is declared as eligible for allotment of alternate non-residential premises No.1B/15 and 16, Natwar Parekh Compound, Indian Oil Nagar, Govandi, Mumbai.
2. The Petitioner has impugned the said letter dated 21st April, 2018 to the

extent that it requires the Petitioner to vacate his stall/structure within 24 hours and also seeks directions from this Court against the Respondent-Corporation to allot him permanent alternate shop/stall of the same area as certified in Annexure II i.e. 22.41 sq. mtrs., in building No.11 in the Motilal Nagar at CST Road in H/East Ward or in the Kalina Market at Crystal Plaza, H/East Ward.

3. Before filing of the above Writ Petition, the stall/structure of the Petitioner has been demolished. Therefore, there is nothing left to challenge with regard to the letter dated 21st April, 2018. As far as the area to be allotted as permanent alternate shop/stall and the vicinity in which the same should be allotted, the learned Advocate for the Corporation states that in view of certain claims received from one Mr. Tulsiram B. Harijan (original allottee/occupant), the Corporation proposes to issue notices to all concerned and after giving personal hearing decide the said issues. The Corporation shall complete this exercise within a period of eight weeks from the date of this order. All contentions of the parties are kept open.

4. The Writ Petition is accordingly disposed of.

(B.P.COLABAWALLA, J.)

(S.J.KATHAWALLA, J.)