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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION No. 3042 OF 2019

Mohammed Tahir s/o Abrar Siddiqui & Anr. ..Petitioners.

Vs

State of Maharashtra & Anr. ..Respondents.

Mr. Sushil Upadhyay i/by Mr. A.M.Saraogi for the petitioners.

Mr. Amit Shastri, AGP for Respondent No.1/State.

Mr. Javed Shaikh a/with Ms. Yamuna Parekh for MCGM.

Mr. Keshav Dhothre, AE G/North (Maintenance) from MCGM present.

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

DATED :- 3rd DECEMBER, 2019.

P.C. :-

1. The Petitioners were served with a notice dated 22nd December, 2010 by the Mumbai Municipal Corporation under Section 314 of the MMC Act, qua hut No.124, Navrang Compound, Dharavi, Mumbai – 400 017 (the said **hut**). The Petitioners submitted all the required documents to the Office of the MCGM. By a letter dated 16th March, 2011, MCGM informed the Petitioners that they are not entitled to get any alternate accommodation since all the documents produced by

them were after the diatom line of 2000. The Petitioners did not challenge the decision of MCGM. Instead the Petitioners submitted a fresh representation to the Corporation on 22nd March, 2011. Eight years thereafter, the Petitioners have filed the above Writ Petition seeking directions against the Respondents to consider the said representation. According to the Corporation, the representation of the Petitioners was already rejected by them as far back as on 16th March, 2011.

2. The above facts/events does not entitle any interference by this Court under Article 226 of the Constitution of India. Even otherwise, the so called representation dated 22nd March, 2011 does not bear any acknowledgment of the Corporation. The matter was kept back to enable the Advocate appearing on behalf of the petitioners to inquire from his client and inform the Court whether there is any copy of such representation, bearing the acknowledgment of the Corporation. In the afternoon Session when the matter is called out, the Advocate for the petitioners states that his client is out of town and is unable to answer the query raised by the Court. The Writ Petition is therefore dismissed.

(B.P. COLABAWALLA, J.)

(S.J. KATHAWALLA, J.)