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

WRIT PETITION (STAMP) NO.3252 OF 2018

Anita Lekhraj Masurkar alias Anita Baretto …Petitioner

Versus

The State of Maharashtra and Ors. ...Respondents

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Mr. Hemant Ghadigaonkar I/b. Mr. R.R. Lanjekar for the Petitioner.
Mr. Kedar Dighe, AGP for the Respondent No.1-State.
Mr. Milind More for the Respondent No.2.
Dr. Birendra Saraf with Mr. Pratik Kothari and Mr. Aditya Nilakantan I/b. M/s. IC Legal for the Respondent No.4.
Mr. Kalyan Pandhare, Deputy Collector, Slum Rehabilitation Authority (W.S.), Mumbai, present in court.

CORAM : B.P. DHARMADHIKARI AND

SMT. ANUJA PRABHUDESSAI, JJ.

DATED: 14th FEBRUARY, 2019.

P.C.:-

In furtherance of orders dated 10th October, 2018 and 31st January, 2019 passed by this Court, the Respondent No.2 is present and he has also tendered affidavit dated 7th February, 2019. After hearing the counsel for the respective parties, we do not find it necessary to dwell on merits of rival contentions. The counsel appearing for Respondent No.2 has submitted that show cause notice dated 7th September, 2018 is a common notice issued to several

persons including Petitioner. Hearing upon it to Petitioner has not been extended till date and as such no orders to the prejudice of Petitioner can be passed without conducting such hearing. He points out a roznama recorded on 6th October, 2018 to buttress this submission. It appears that after obtaining order dated 23rd September, 2014 from City Civil Court, Dindoshi, Mumbai in Suit No.2239 of 2014, Petitioner has made representations to Respondent No.2 pointing out the ad-interim injunction operating in her favour. It appears that in common show cause notice dated 7th September, 2018 there is no reference to this order or then to representations made by Petitioner. Counsel for Respondent No.2 points out that even after show cause notice and expressly referring to it a reply has been filed by Petitioner. Hence that reply, earlier representations and order passed by the City Civil Court, Dindoshi, Mumbai, shall all be looked into while taking decision on show cause notice dated 7th September, 2018.

We therefore, find apprehensions expressed by the Petitioner misconceived at least at this juncture. As her representations and reply are being looked into and no decision in furtherance of show cause notice dated 7th September, 2018 is taken without hearing her, we find that she is sufficiently protected. Hence,

we dispose of present petition. No costs.

(SMT. ANUJA PRABHUDESSAI, J.) **(B.P. DHARMADHIKARI, J.)**