

nsc.

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

WRIT PETITION NO.516 OF 2018

Anita Kaladhar Kanojiya

...Petitioner

Versus

The Tahsildar, Borivali and Ors.

...Respondents

Mr.S.M.Gawde i/b Shree and Co., for the Petitioner.

Mr.Manish Upadhye, A.G.P. for the Respondent – State.

***CORAM : B.P. DHARMADHIKARI &
REVATI MOHITE DERE, JJ.***

DATE : 28th JANUARY, 2019

P.C. :

1. It is not in dispute that controversy is covered by order dated 21st December, 2018, passed by this Court.

2. A perusal of Appellate Order passed by the Respondent No.4 shows that it expressly mentions that notice impugned in Appeal is not passed under the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971 (for short 'the said Act').

3. The notice dated 30th May, 2017, issued by the Respondent No.1 clearly mentions the provisions of Section 3(z)(2)(4) of the said Act. Thus, observations in impugned order of Respondent No.4 is itself perverse.

4. We, therefore, quash and set aside that order dated 29th September, 2017 and restore the Appeal back to the file of Respondent No.4.

5. Petitioner to appear before the Respondent No.4 on 14th February, 2019. On that day, Respondent No.4 shall hear the Petitioner and take fresh decision, as per law, within eight weeks.

6. Writ Petition is accordingly disposed of.

REVATI MOHITE DERE, J.

B.P. DHARMADHIKARI, J.