

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

WRIT PETITION NO. 621 OF 2018

Ashok Gangaram Bhojane ... Petitioner

Versus

The Tahsildar Borivali, Mumbai and Ors. ... Respondents

Mr. S.N. Gawade I/by Shree & Co. for the Petitioner.

Mr. R.J. Mane, e AGP for the respondent State.

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

DATE : JANUARY 07, 2019

P.C.:

Heard learned counsel for the petitioner and learned AGP for respondent nos. 1 to 5.

2. It is not in dispute that the controversy is covered by the orders dated 4/1/2019 passed by this court in WP No. 431 of 2018. Here the impugned order dated 29/9/2017 wrongly observes that respondent no.1 Tahsildar has not issued notice under the Maharashtra Slum Areas (Improvement, Clearance and Development) Act, 1971. The notice issued by Tahsildar on 13/5/2017 specifically refers to the said Act and provisions thereof.

3. We therefore, set aside the appellate order and restore the appeal back to the file of the appellate authority namely respondent no.2.
4. Petitioner to appear before respondent no. 2 on 14th January, 2019. Respondent no.2 shall hear petitioner and take fresh decision as per law within next eight weeks.
5. Accordingly, writ petition is partly allowed and is disposed of.

(REVATI MOHITE DERE, J.) (B.P. DHARMADHIKARI, J.)