

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

WRIT PETITION NO.435 OF 2018

Sanjay Ramawater Prasad

...Petitioner

vs.

The Tahsildar, Borivali Mumbai and

4 Ors.

...Respondents

Mr. Sanjay Gawade i/b Shree & Co. for the Petitioner.

Mr. Mane, AGP for the Respondent Nos.1 to 5.

**CORAM : B. P. DHARMADHIKARI &
REVATI MOHITE DERE, JJ.
DATE : 23/01/2019.**

P.C.:

. Learned counsel for the petitioner points out that the controversy is covered by the order dated 14/1/2019 in Writ Petition No.431/2018. Learned counsel appearing for respondent Nos.1 to 5 also does not dispute this position.

2. The facts show that the Appellate Authority in the impugned order mentioned that the notice date 30/5/2017 is not issued under the provisions of Maharashtra Slum Areas (Improvement, Clearance and Development) Act, 1971. Perusal of notice issued by Tahsildar on that day clearly shows that it is under terms of 3Z-2(4) of the said Act. Hence adopting the reasons in order dated 21/12/2018 in Writ Petition No.430/2018 and other matters, we find the appellate order unsustainable.

3. Accordingly, we restore the appeal back to file of Respondent No.2. We direct the petitioner to appear before Respondent No.2 on

14/2/2019 on that date and respondent No.2 shall hear the petitioner and take fresh decision as per law within a period of 8 weeks from today. The writ petition is partly allowed and disposed of.

(REVATI MOHITE DERE, J.)

(B. P. DHARMADHIKARI, J.)