

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 410 OF 2017

Sunil Narayan Koli ...Petitioner

Versus

The Mumbai Municipal Corporation & ors. ...Respondents

Mr. Anil Kumar Patil, for the Petitioner.

Ms. Yamuna Parekh, for the MCGM/Respondent no.1.

CORAM: S. J. KATHAWALLA &

N. J. JAMADAR, JJ

DATED : 15th NOVEMBER, 2019

PC:-

- 1.** Heard the learned Counsel for the parties.
- 2.** The Petitioner is the President of Somwar Bazaar Macchi Vikreta Sangh, having shops at the Municipal Market namely 'Somwar Bazaar Market'.
- 3.** The Petitioner has filed the Writ Petition seeking the following reliefs :

“(a) That this Court be pleased to issue the Writ of mandamus or any other Writ of such nature or order or directives, thereby directing the Respondent Nos. 1, 2, 3 and 4 to grant permission for redevelopment of the Somwar Bazaar BMC Market is situated on plot bearing CTS No. 829 (Pt.) of village Malad (West), Mumbai as per the existing policy i.e. Resolution Circular No. 931 of 5th September, 2002 modified by Respondent No. 5 State of Maharashtra vide Resolution bearing No. TPB / 432001 / 741 / CN-43/02 U.D.-11 of 27th February, 2004.

(b) In the alternative this Court may please to issue the Writ of mandamus or any other Writ of such nature or order or directives thereby directing Respondent Nos. 1, 2, 3 and 4 to hear and decide the Application dated 11th October, 2006 and representations preferred thereafter by the Somwar Bazaar Macchi Vikreta Sangh with respect to proposed redevelopment of by the Somwar Bazaar BMC Market is situated on Plot bearing CTS No. 829 (Pt.) of village Malad (West), Mumbai as per the existing policy i.e. Resolution Circular No. 931 of 5th September, 2002 modified by Respondent No. 5 State of Maharashtra vide Resolution bearing No. TPB / 432001 / 741 / CN-43/02 U.D.-11 of 27th February, 2004.”

4. Since an Application was filed by the stall holders as far back as in the year 2006 ; the stall holders are granted liberty to file a fresh application before the Assistant Municipal Commissioner with a request to consider the proposal of redevelopment of the Somwar Bazaar, Municipal Market, within a period of four weeks. In the event of such application being filed, the Assistant Municipal Commissioner (Markets), shall decide the application within four weeks from the date of receipt of the same. He shall also give personal hearing to the stall holders, if they so desire.

5. All contentions of the parties are kept open.

6. The petition is accordingly disposed of.

[N. J. JAMADAR, J.]

[S. J. KATHAWALLA, J.]