

Sharayu Khot.

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION (ST.) NO. 2192 OF 2020

Mr. Nurunissa Gulzar Patel

...Petitioner

Versus

The State of Maharashtra & Ors.

...Respondents

Mr. Shahbaz Khan Pathan, a/w Mr. Santosh Budhwani, i/by
Abhinandan Waghmare, for the Petitioner.

Mrs. A.A. Purav, AGP, for the Respondents No. 1, 4 and 5.

Mr. N.R. Bubna, for the Respondent-Bhiwandi Nizampur Municipal
Corporation.

Ms. Vandana Yuvraj Morgha, Joint Sub-Registrar Bhiwandi-I.

**CORAM : S.J. KATHAWALLA &
R.I. CHAGLA, JJ.**

DATE : 26 February 2020

P.C. :

1. In the above Writ Petition the Petitioner has *inter alia*
prayed that the notice dated 27th January 2020 issued by the Assistant
Municipal Commissioner, Bhiwandi Nizampur Municipal Corporation

directing demolition of the said suit property be quashed and set aside.

2. The learned Advocate appearing for the Corporation had on on 5th February, 2020 submitted before us that since there is not an iota of evidence to show that the Petitioner is entitled to the subject land, the question of quashing/setting aside the impugned notice does not arise. In response, the learned Advocate for the Petitioner had submitted that a Deed of Conveyance dated 20th September 1977 was executed in favour of the Petitioner, however a copy of the same is not available with the Petitioner. In view thereof, this Court directed the office of the Sub-Registrar, Bhiwandi Nizampur Municipal Corporation to produce in Court the original Deed of Conveyance dated 20th September 1977 on the adjourned date. Accordingly, an Affidavit is filed by the Joint Sub-Registrar, Bhiwandi Nizampur Municipal Corporation- I, District Thane and a handwritten copy of the registered Conveyance Deed dated 5th August, 1977 is annexed as Exh.1 to the said Affidavit.

3. In view of the above, the Corporation is directed to

consider the rights of the Petitioner with regard to the subject land and pass a fresh order in the matter within a period of four weeks from today. The Petitioner shall be allowed to file additional documents which the Respondent No. 3 shall consider before passing the final order in the matter.

4. Needless to add that no action shall be taken by the Corporation pursuant to the impugned notice dated 27th January, 2020 until fresh orders are passed.

5. The Writ Petition is accordingly disposed of.

[R.I. CHAGLA J.]

[S.J. KATHAWALLA, J.]