

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (Lodging) No. 43 of 2020

Akshay Sthapatya Pvt. Ltd. and Anr ..Petitioners.

Vs

Municipal Corporation of Gr. Mumbai & Ors ..Respondents.

Mr. Karl Tamboly a/with Dhiren Shah Priyank Kapadia, Ameya Malkan Animesh Singh, Somil Gade i/by Dhiren Shah for the Petitioners.

Ms. Rupali Adhate, Mr. Rajesh Patil a/with Yamuna Parekh for MCGM.
Ganesh Kadam, Sub-Engineer (Sewerage Projects).

Ravindra Tiwari Sub-Engineer (Sewerage Projects).

Mr. Vijay D. Patil for Respondent No.4.

Mr. Yuwraj D. Patil for Respondent No.5.

Mr. Akshay Shinde a/with Himanshu Takke for Respondent No.3.

Mr. Shivaji Daund (IAS) Divisional Commissioner, Konkan Division present.

**CORAM : S.J. KATHAWALLA &
B. P. COLABAWALLA, JJ.
DATED :- 24th JANUARY, 2020.**

P.C. :-

1. Mr. Shivaji R. Daund, Divisional Commissioner, Konkan Division is present in

Court along with his Advocate. He states that the letter dated 23rd November, 2019 from the Sewerage Project Department of the Municipal Corporation Greater Mumbai, was before him when he passed the order dated 9th September, 2019. He states that he has realized that in view of the said letter dated 23rd November, 2019 permitting the Municipal Corporation to retain the transit camps on temporary basis till completion of Rehab building or for a period of two years, whichever is earlier, he ought not to have entertained the complaint and passed the order before completion of the period of two years and that too without hearing 133 eligible slum dwellers and their families who are residing in the transit camps. He has tendered an unconditional apology and seeks to withdraw his order. The apology is accepted. The order dated 9th September, 2019 is therefore set aside as withdrawn. However, it is made clear that this order should not be treated as an expression on the part of the Court qua the merits of the matter, including whether the transit camps should continue to remain at site.

2. The Writ Petition is accordingly disposed of.

(B.P. COLABAWALLA, J.)

(S.J. KATHAWALLA, J.)