

Amol

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 2856 OF 2023**

Vanvir Ghelabhai Shah & Anr ...Petitioners
Versus
The Municipal Corporation of Greater Mumbai ...Respondents
& Ors

Mr Shobhit Shukla, i/b, Ashok Pande, for the Petitioner.
Ms Rupali Adhate, for the Respondent-MCGM.
Mr Sandip Tunde, Sub-Engineer Maintenance Dept G/N Ward,
present in Court.

**CORAM G.S. Patel &
 Kamal Khata, JJ.**
DATED: 5th October 2023

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1. The Petition can be disposed of with a direction in terms of prayer clause (c) which reads thus:

“(c) that a writ of mandamus and/or other appropriate writ or direction be issued to the Respondent to comply to hear the Petitioners by furnishing all the documents for their impugned action and to pass fresh Speaking Order as per the provisions of the MMC Act.”

2. The Deputy Municipal Commissioner (Zone II) will give the Petitioners a hearing and will afford them a reasonable opportunity

of submitting all relevant documents and also filing brief written submissions not exceeding five pages. We note that the Petitioners are tenants, but the notice given was only to the landlords. In view of the filing of the Petition, we dispense with the requirement of a fresh notice to the Petitioners.

3. It goes without saying that the Deputy Municipal Commissioner (Zone II) will also afford a hearing to the landlords of the property.

4. If the resultant order is against the Petitioners, no coercive action is to be taken against the Petitioners for a period of three weeks after the order is communicated to the Petitioners or their Advocate(s).

5. In the meantime, until the order is passed no forcible or coercive action is to be taken against the Petitioners.

6. All contentions are expressly kept open.

7. The Petition is disposed of in these terms. There will be no order as to costs.

(Kamal Khata, J)

(G. S. Patel, J)