

Arun

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 1068 OF 2023**

Noorjahan Sikendar Khan ...Petitioner
Versus
The State of Maharashtra & Ors ...Respondents

Dr Abhinav Chandrachud, *with Vivek Pandey & Ridhima
Mangaonkar, i/b VB Pandey, for the Petitioner.*
Mr SB Gore, AGP, *for the Respondent-State.*
Ms Rupali Adhate, *for the Respondent-MCGM.*

**CORAM G.S. Patel &
 Kamal Khata, JJ.**
DATED: 8th January 2024

PC:-

ARUN
RAMCHANDRA
SANKPAL

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ARUN RAMCHANDRA
SANKPAL
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1. The Petition can be disposed of with a direction to the Assistant Commissioner, K/West Ward since the grievance of the Petitioner is that her representations to the Municipal Corporation of Greater Mumbai (“MCGM”) about unauthorised construction have gone without a response. Exhibits “G” to “K” are legal notices sent by the Petitioner. There are some photographs at Exhibit “E”, particulars at Exhibit “F” and a layout plan at Exhibit “D”.

2. We permit the Petitioner to make a single consolidated fresh representation and to include in that representation any additional material that the Petitioner may be advised. She will make that representation, Dr Chandrachud for the Petitioner says, on or before 31st January 2024, and it will be submitted directly to the office of the Assistant Commissioner, K/West Ward. The Assistant Commissioner will then issue notice to the developer (present the 6th Respondent) and to the societies, Respondents Nos. 7 to 11 and in view of the contentions of the Petitioner, to the 12th Respondent, a Madarsa/Masjid (or its Wakf or Trust, if applicable).

3. Obviously the Assistant Commissioner will need to give all these persons an opportunity of being heard and of responding to the Petitioner's representation. After hearing all contentions, the Assistant Commissioner will pass a reasoned order.

4. Given the number of entities involved, we expect this will take some time but we do expect parties not to seek lengthy or repeated adjournments.

5. In any event, the Assistant Commissioner is to pass a reasoned order on Petitioner's representation no later than by 5th April 2024.

6. The Petition can be disposed of in these terms.

7. All contentions before the Assistant Commissioner of all sides are expressly kept open.

8. In view of this order, Dr Chandrachud does not press prayers clauses (b) and (c) of the Petition.

9. It goes without saying that the Assistant Commissioner may depute his staff to inspect the building and the works and may also, if thought fit call for an independent assessment or report.

(Kamal Khata, J)

(G. S. Patel, J)