

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
ORDINARY ORIGINAL CIVIL JURISDICTION  
WRIT PETITION NO.3999 OF 2024

Chandrakant Shankar Pawar & Ors. ...Petitioners  
*Versus*  
Municipal Corporation of Greater Mumbai & Anr. ...Respondents

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Mr. S. K. Dubey, Advocate, for the Petitioners.  
Ms. Shweta Patankar, Advocate, for the Respondent No.1-MCGM.  
Mr. Shubham Patil JE(Maintenance), L Ward, for the Respondent  
No.1-MCGM  
Ms. Jyoti Chavan, Addl. G.P, a/w. Mr. Manish Upadhye, AGP, for  
the Respondent No.2.

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CORAM: MADHAV J. JAMDAR, J.  
DATED : 1<sup>st</sup> OCTOBER 2024

**P. C.:**

1. Heard Mr. Dubey, learned Counsel appearing for the Petitioners, Ms. Shweta Patankar, learned Counsel appearing for the Respondent No.1-MCGM and Ms. Jyoti Chavan, learned Additional Government Pleader appearing for the Respondent No.2-State.

2. By the present Writ Petition filed under Article 226 of the Constitution of India, the challenge is to the legality and validity of individual order dated 9<sup>th</sup> November 2020 passed by the Committee consisting of Colony Officer, L Ward, Executive

Engineer, L Ward and Assistant Commissioner, L Ward (“Appellate Authority”) in case of each of the Petitioner holding that the Petitioners are not eligible.

3. The impugned order has been passed only on the ground that the Petitioners failed to produce documents showing the occupation of the concerned premises in question on or before 1<sup>st</sup> January 2020.

4. However, in the present Writ Petition, each of the Petitioners have filed individual affidavits and produced on record several documents.

5. Mr. Dubey, learned Counsel appearing for the Petitioners states that some of the documents were produced before the Appellate Authority, however, other documents could not be produced earlier. He submits that in the interest of justice, the impugned order dated 9<sup>th</sup> November 2020 be quashed and set aside and the matter be remitted to the Appellate Authority.

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6. As it is the contention of the Petitioners that some of the documents could not be produced earlier before the Appellate Authority which supports the claim of the Petitioners about their eligibility, for giving appropriate opportunity to the Petitioners, the following order is passed:

**ORDER**

- (a) The respective impugned order dated 9<sup>th</sup> November 2020 passed by the Appellate Authority in case of respective Petitioner is hereby quashed and set aside.
- (b) The Petitioners to appear before the Appellate Authority on **15<sup>th</sup> October 2024 at 3:00 p.m.** On that date, the Petitioners to file their respective affidavits along with the documents before the Appellate Authority.
- (c) The Appellate Authority after hearing the Petitioners, to pass the order with respect to the eligibility of each of the Petitioner.

(d) The Appellate Authority is requested to dispose of the respective Appeals expeditiously.

(e) It is clarified that this Court has not considered the merits and all contentions on merits are expressly kept open.

7. The Writ Petition is disposed of in above terms with no order as to costs.

[MADHAV J. JAMDAR, J.]