

Ashwini

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO.1386 OF 2024

Haresh Mohan Gehi

...Petitioner

Versus

The Municipal Corporation of Greater Mumbai
& Anr

...Respondents

Mr Anand A Pande, with Pooja Pandey, for the Petitioner.

**Mr Swapnil Bharati, i/b Sunil K Sonawane, for the Respondent-
BMC.**

Mr Sushil G, SE, (BP), H/W Ward, present.

**CORAM: M.S. Sonak &
Kamal Khata, JJ**

DATED: 26th September 2024

PC:-

1. Heard learned Counsel for the parties.
2. The challenge in this Petition is to the speaking order dated 19th January 2022 by which Petitioner's proposal for regularization has been rejected.
3. Learned Counsel for the Petitioner points out that this proposal was earlier accepted by order/communication dated 10th October 2018 (Exhibit 'C' at pages 47 and 48 to the Petition). Further, the impugned order dated 19th January 2022 was made without hearing the Petitioner.

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4. Accordingly, we had requested learned Counsel for BMC to obtain instructions where the Petitioner could be heard and his proposal for regularisation decided afresh. On instructions, Mr Bharati, learned Counsel for the BMC states that the Corporation would hear the Petitioner and decide the proposal for regularisation afresh.

5. In the peculiar facts of the present case we are of the opinion that the Petitioner should have been heard particularly in the context of documents at Exhibit 'C'. Accordingly, we set aside the impugned speaking order dated 19th January 2022 and permit the BMC to decide the Petitioner's proposal for regularisation afresh after hearing the Petitioner. The Petitioner should appear before the Executive Engineer, Building proposal H/West Ward on 9th October 2024 at 10.30 am for the hearing. No separate notice will be issued to the Petitioner. After hearing the Petitioner and considering all the relevant aspects, the BMC should dispose of Petitioner's proposal for regularisation by a speaking order. This speaking order must be made and communicated to the Petitioner by 28th November 2024. If the Petitioner is aggrieved by the decision, he shall have liberty to challenge the same in accordance with law.

6. The Petition is disposed of in the above terms. There shall be no order for costs. All concerned to act on an authenticated copy of this order.

(Kamal Khata, J)

(M.S. Sonak, J)