

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO.1973 OF 2024

Bhojraj T. Shetty

...Petitioner

Versus

The Deputy Superintendent (Market), Market
Division, Office of the Assistant Commissioner, ...Respondents
(Market), Mumbai & Anr.

Ms. Veena Thadani a/w. Ms. Rutuja Gaikwad, Ms. Bharti
Nyaynirgune, Advocates, for the Petitioner.
Ms. Shweta Patankar i/b. Mr. S. K. Sonavane, Advocates, for the
Respondents-BMC.

CORAM: MADHAV J. JAMDAR, J.

DATED : 26th AUGUST 2024

P. C.:

1. Heard Ms. Thadani, learned Counsel appearing for the
Petitioner and Ms. Patankar, learned Counsel appearing for the
Respondents.

2. By the impugned order dated 18th September 2023 passed by
the Deputy Superintendent (Market), Market Division, Municipal
Corporation of Greater Mumbai (“the Deputy Superintendent”), it
was intimated to the Petitioner to shut down the permit room.
Although, in the impugned order dated 18th September 2023 it is

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stated that the Petitioner has failed to produce any document showing permission for running the permit room, however, Ms. Thadani, learned Counsel appearing for the Petitioner pointed out a license issued by the Municipal Corporation of Greater Mumbai for running the permit room in the premises in question. Said license is at page No.51 of the Writ Petition compilation. Ms. Thadani, learned Counsel appearing for the Petitioner submitted that even the said license was produced before the Deputy Superintendent.

3. A perusal of the impugned order shows that said license is not considered in the impugned order.

4. Accordingly, the impugned order dated 18th September 2023 passed by the Deputy Superintendent (Exhibit-A, page 31) is quashed and set aside and the matter is remitted to the Deputy Superintendent.

5. The Petitioner to appear before the Deputy Superintendent on 23rd September 2024. On that day, the Deputy Superintendent to fix the schedule of hearing.

6. The Petitioner is at liberty to file additional say, compilation before the Deputy Superintendent. The Deputy Superintendent shall pass a fresh order within a period of three months thereafter by considering all the documents and by observing the principles of natural justice.

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

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

[MADHAV J. JAMDAR, J.]