

Ashwini

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 3418 OF 2024

Smita Datta Rao ...Petitioner
Versus
The State of Maharashtra & Ors ...Respondents

Mr Omar K Shaikh, for the Petitioner.
Ms Poonam Mittal, AGP, for the Respondent-State.
Ms RM Hajare, for the Respondent-BMC.

CORAM M.S. Sonak &
Kamal Khata, JJ.
DATED: 12th July 2024

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1. Heard learned Counsel for the Petitioner.

2. At our request, Ms Hazare appears for the Respondent-BMC, though BMC is not serving in this matter.

3. The order that we propose to make is only to direct the BMC to consider Petitioner's complaint dated 7th February 2024 (Exhibit "G") in accordance with law and dispose of the same as expeditiously as possible. Before disposing of the complaint, the BMC should hear the Petitioner, the 3rd Respondent, and all others who are likely to be affected by the revocation of the Full Occupancy

Certificate dated 18th May 2012 pass a reasoned order. The Petitioner is granted liberty to file additional documents within a week from today with the BMC.

4. The reasoned order should be communicated to the Petitioner and the 3rd Respondent on or before 10th October 2024. If such a decision aggrieves any of the parties, they shall be at liberty to challenge the same in accordance with the law.

5. The Petitioner should serve the BMC with an authenticated copy of this order, and the BMC should act based on that copy.

6. We clarify that we have not examined the merits of the Petitioner's contention. Therefore, all of the Petitioner's contentions are left open to be looked into by the BMC in the first instance. This includes the arguments based on delay laches, etc.

7. The Writ Petition is disposed of with the above direction.

(Kamal Khata, J)

(M.S. Sonak, J)