

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO.2043 OF 2024**

Mulund Hare Ram CHS Ltd.	]	Petitioner
vs.		
Municipal Corporation of Greater Mumbai and others	]	Respondents

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Mr. Prathamesh Bhargude i/b Mr. Ranjit Shinde, for Petitioner.

Mr. Sharan Jagtiani, Senior Advocate a/w Mr. Bhavik Manik, Mr. Sharad Wackchoure i/b Mr. Amey Deshpande, for Respondents No.1 and 2.

Ms. Pushpa Yadav i/b Ms. Komal Punjabi, for B.M.C.

Ms. Yogita Sahadev Kolhe, Assistant Commissioner "T" Ward present.

Mr. Ajay Patane, then Assistant Commissioner "T" Ward present.

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**CORAM : G.S. KULKARNI &
ARIF S. DOCTOR, J.J.**

DATE : 16th JULY, 2025.

P.C:

1. We have heard learned Counsel for the parties on this petition. The only substantive prayer made in this petition reads thus;

"[A] That this Honourable Court be pleased to issue a writ mandamus or writ in the nature of mandamus or any other appropriate writ direction and order and quash and set-aside the order dated 25.09.2023 bearing No. bearing No. ACT/AEMT/1870/GEN passed by the Assistant Commissioner (T) Ward, Municipal Corporation of Greater Mumbai i.e., the Respondent No. 1 as arbitrary. illegal and bad in law".

2. We have perused the impugned order dated 25th September, 2023 passed by the Assistant Commissioner, T Ward - Mr. Ajay Patil. Such order is

purportedly passed on an application which is made on behalf of respondents No.2 and 3. Case of the petitioner is of gross prejudice being caused to the petitioner by such order which hardly records any reasons and more particularly concerning and in the context of objections which are raised by the petitioner and affecting already existing re-developed premises, along with access and compound wall. No doubt, redevelopment in so far as respondents No.2 and 3 needs to be taken forward and there may be issues concerning the access, however, any action which would be required to be taken in this regard needs to be in accordance with law.

3. In the aforesaid circumstances, we called upon the learned Counsel for the M.C.G.M to consider whether the impugned order could be withdrawn so that fresh appropriate order can be passed in accordance with law. On instructions of the Assistant Commissioner Ms. Yogita Kolhe, who is present in the Court, learned Counsel for the M.C.G.M makes a statement that appropriate designated officer would reconsider the entire issue and appropriate fresh order can be passed. We accept such stand as taken on behalf of the Municipal Corporation. In the aforesaid circumstances, further adjudication of the petition is not called for. Accordingly, we propose to dispose of this petition in terms of the following order;

: ORDER :

- (a) The impugned order dated 25th September, 2023
 (“**Exhibit G**” and “**Exhibit H**”) stand quashed and set aside.

(b) Respondents No.2 and 3 are permitted to make a fresh application to the Designated Officer which shall be supported with appropriate documents. A copy of such application be also furnished to the petitioner by the Designated Officer. Petitioner shall also be permitted to file its reply to the said application. Any third party which is likely to be affected be also served with all these documents and after an opportunity of hearing is given to all the parties, the Designated Officer shall proceed to pass a fresh order in accordance with law.

(c) All contentions of parties are expressly kept open.

(d) Let the entire exercise be completed within a period of four weeks from the date, fresh application is moved on behalf of respondents No.2 and 3.

4. Petition stands disposed of in the aforesaid terms. No costs.

[ARIF S. DOCTOR, J.]

[G.S. KULKARNI, J.]