

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**ORDINARY ORIGINAL CIVIL JURISDICTION****WRIT PETITION NO. 2221 OF 2024**

Nitin J. Mehta ... Petitioner

V/s.

The Mumbai Municipal Corpn. of Gr. Mumbai & Ors. ... Respondents

WITH**WRIT PETITION NO. 2222 OF 2024**

Riyaz Ahmed Abdul Rauf Talukadar ... Petitioner

V/s.

The Mumbai Municipal Corpn. of Gr. Mumbai & Ors. ... Respondents

WITH**WRIT PETITION NO. 2307 OF 2024**

Rashida Harun Rashida Sayyed Shaikh ... Petitioner

V/s.

The Mumbai Municipal Corpn. of Gr. Mumbai & Ors. ... Respondents

Mr. Kanhaiya S. Yadav a/w. Ms. Anu C. Kaladharan for Petitioners in all Petitions.

Mr. Chaitanya Chavan a/w. Ms. R.M. Hajare i/b. Ms. Komal Punjabi for Respondent Nos.1 & 2-BMC in all Petitions.

Officer – Mr. Deepak Bankar, Jr. Engineer (Maint. Dept.).

Ms. Fatima Lakadawala, A.G.P for Respondent No.3-State in WP/2221/2024.

Ms. Jaymala Ostwal, Addl.G.P for Respondent No.3-State in WP/2222/2024.

Ms. Gaurangi Patil, A.G.P for Respondent No.3-State in WP/2307/2024.

**CORAM : A. S. GADKARI AND
KAMAL KHATA, JJ.**

DATE : 27th February 2025.

P.C. :

- 1) It is the contention of the Advocate for the Petitioners that, while deciding Appeal No. 2169 of 2023 the Respondent No.3 did not grant an opportunity of being heard to the Petitioner and the Orders dated 7th December 2023 are passed *ex parte*. The observation made by the Respondent No.3 that the Petitioner was served with the notice of the said Appeal is incorrect.
- 2) We therefore direct the Respondent No.3 to forward original record of the said Appeal to this Court along with its 'roznama' either indicating whether the Petitioner and Respondent No.2 were infact 'served' or 'not served' before the hearing of Appeal with a clear note thereof. This be done within a period of two weeks from today.
- 3) Stand over to 18th March 2025.
- 4) The learned A.G.P appearing herein is directed to communicate this Order to the Respondent No.3.
- 5) The Prothonotary and Senior Master is directed to oversee the compliance of the present Order.

(KAMAL KHATA, J.)

(A.S. GADKARI, J.)