

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO.2470 OF 2024**

Patel Castle Cooperative Housing Society Ltd. ... Petitioner.

V/s.

Municipal Corporation of Greater
Mumbai & Ors. ... Respondents.

Mr. Shanay Shah, a/w Mr. Deepak Singh and Mr. Ankush Shah, i/by SL Partners for the Petitioner.

Mr. Drupad Patil, a/w Ms. Meena Dhuri, i/by Ms. Komal Punjabi for Respondent Nos.1 to 5-BMC.

Ms. Vaishali Choudhari, Addl. GP for Respondent No.6-State.

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

DATE : 8th April 2025.

PC:-

1) Mr. Patil, learned Advocate appearing for the Respondent No.1 Corporation tendered across the Bar an Affidavit of Shri Chakrapani Alle, Assistant Commissioner K/West Ward, Mumbai. It is stated that, as per the draft Annexure-II the Corporation has issued notices to 59 structures.

1.1) That about 20 occupiers have not yet submitted their documents and therefore they will be given one more reminder to submit the documents within three days failing which the said persons will be declared not eligible. That remaining 39 occupiers have submitted documents and their eligibility shall be decided only after receipt of verification report from concerned Authority.

2) The perusal of Affidavit clearly indicates that it is conspicuously

silent about the total period that was required to complete the process. The pleadings in the Affidavit are vague and ambiguous. Upon a query by the Court, Mr. Patil, learned Advocate for the BMC fairly submitted that though he had repeatedly asked the concerned officer as to how much time it would take to complete the entire procedure, no satisfactory explanation was given to him to place it before this Court.

3) In view of the above, we were inclined to direct the Commissioner of BMC to file his Reply to the Petition. However, at the request of Mr. Patil, we direct the Additional Commissioner of BMC having territorial jurisdiction over the writ property to file his detailed Reply to the Petition.

4) We direct the Additional Commissioner not to delegate its power to any subordinate officers. We expect the Additional Commissioner to enlighten us about limitation and other relevant provisions which are necessary to be followed by the Corporation. Additional Commissioner shall also express his opinion as to the actions he proposes to take against the Assistant Commissioner K/West Ward for his inaction and inclination to protect the said alleged illegal structures that are constructed contrary to the provisions of law. The said Reply is to be filed by 30th April, 2025.

5) Stand over to 2nd May, 2025.

(KAMAL KHATA, J.)

(A.S. GADKARI, J.)