

Kavita S.J.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (L) NO.9164 OF 2025

**Samarth Nagar Lokhanwala Complex Residents ...Petitioner
Association (SLCRA)**

Versus

State of Maharashtra & Ors., ...Respondents

Mr. Amogh Singh a/w Mr. Rahul Arora i/b Mr. D.P. Singh for the
Petitioner.

Ms. Jyoti Mhatre i/b Ms. Komal Punjabi for the Respondent Nos. 4 to
7.

Mr. Ramesh Kalpnath Yadav, Assistant Engineer, BP Dept., K/W Ward
present.

CORAM : R.I. CHAGLA, J.

DATED : 3rd APRIL, 2025.

ORDER :

1. By this Writ Petition, the Petitioner is impugning Order
dated 18th October, 2024 passed by the Respondent No.4 – Mumbai
Municipal Corporation (“**MMC**”) and seeking the quashing and
setting aside of the same.

2. Mr. Amogh Singh, learned Counsel appearing for the
Petitioner has referred to the Order dated 3rd July, 2017 passed by

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the Division Bench of this Court in Writ Petition No.1040 of 2016, by which the Division Bench had directed the Respondent No.4 – MMC to consider the Representation dated 13th May, 2000 of the Petitioner therein viz. Samarth Nagar Lokhanwala Complex Residents Association in accordance with law and after giving opportunity to hear the Petitioner therein and the 7th Respondent (Petitioner herein) and 8th Respondent.

3. Mr. Amogh Singh has submitted that inspite of this direction of the Division Bench of this Court vide Order dated 3rd July, 2017, the Respondent No.4 – MMC has passed the impugned order without hearing the present Petitioner. He has sought for stay of the impugned order. He has further submitted that the Respondent Nos. 2 and 3 who are the contesting Respondents have not been served, though an attempt had been made to serve them by RPAD. He has accordingly sought for Court Notice to be issued.

4. Ms. Jyoti Mhatre, learned Counsel for Respondent Nos. 4 to 7 has submitted that the Representation dated 24th September, 2024 was filed by the Petitioner and was being considered in the impugned order. She has submitted that the notice of hearing had also been issued to the Petitioner and which notice has been annexed

in the Affidavit-in-Reply filed by the Respondent Nos. 4 to 7 – MMC dated 2nd April, 2025. She has submitted that there has been compliance with the said Order dated 3rd July, 2017 passed by the Division Bench.

5. Having considered the submissions, I find that despite the Division Bench of this Court by the said Order dated 3rd July, 2017 having directed the Respondent Nos. 4 – MMC to grant an opportunity to inter alias the Petitioner herein to be heard, the impugned order has been passed without hearing the Petitioner. Further, the Representation of the Petitioner dated 24th September, 2024 referred to by the Respondent No.4 – MMC in the impugned order had expressly sought for an opportunity to intervene in the matter and to be heard. Thus, I am of the prima facie view that the impugned order is not in compliance with the said Order dated 3rd July, 2017 passed by the Division Bench.

6. In view thereof, till the next date, the impugned Order dated 18th October, 2024 passed by the Respondent No.4 – MMC is stayed.

7. Issue Notice to the Respondent Nos. 2 and 3, returnable on 22nd April, 2025.

[R.I. CHAGLA, J.]