

Ashwini

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION (L) NO. 27302 OF 2023**

Rumana Irshad Ahmed Khan & Ors ...Petitioners

Versus

Municipal Corporation of Greater Mumbai & ...Respondents
Ors

Ms AM Khan, with Sana Khan, i/b Vaibhav Kulkarni, for the
Petitioners.

Mr Swapnil Bharati, i/b Sunil Sonawane, for the Respondents-
BMC.

Mr Manoj Ghatge, Estate Inspector, A Ward, present.

Ms Nishgandha Patil, AGP, for the Respondent-State.

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CORAM. **M.S. Sonak &
Kamal Khata, JJ**

DATED: **6th September 2024**

PC:-

1. By our order dated 11th July 2024, we granted BMC to file and serve the Affidavit upto 1st August 2024. As usual, the Affidavit is not filed and the reason beyond is given that the Affidavit is ready but the officer who was to file this Affidavit has gone on leave just a day before 1st August 2024. Such explanations are too frequent and therefore, unacceptable. The

BMC must pay cost of Rs. 10,000/- to the Petitioner within a week from today. After that, the Commissioner to enquire the conduct of the officer who has proceeded leave without filing their Affidavits and to recover such costs from the officer concerned or any other officer who is responsible for delay and non-compliance with our orders.

2. We extend time to file and serve Affidavit upto 13th September 2024. Rejoinder, if any to be filed and served on or before 20th September 2024.

3. Since the Affidavit is necessary, we are not inclined to adjourn for a week. Learned Counsel for the Respondent BMC states that his officer will now return only on 18th September 2024 and therefore no Affidavit can be filed before the next date. This order should be placed before the Commissioner and the Commissioner should decide who is to file Affidavit on behalf of BMC. The Court's orders cannot be treated so casually.

4. List the matter on 24th September 2024.

(Kamal Khata, J)

(M.S. Sonak, J)