

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2668 OF 2013

Shri Jaspal Deepchand Rohra ... Petitioner

Vs.

Pimpri Chinchwad Municipal
Corporation & Ors. ... Respondents

a/w

WRIT PETITION NO.2669 OF 2013

a/w

CIVIL APPLICATION NO.1349 OF 2013

IN

WRIT PETITION NO.2669 OF 2013

Shri Jagdish Jethanand Vaswani ... Petitioner

Vs.

Pimpri Chinchwad Municipal
Corporation & Ors. ... Respondents

Mr.J.S. Chandnani for the Petitioners
Mr.G.H. Keluskar, for Respondent Nos.1 and 2
Mr.Vikas Mali, Assistant Government Pleader, for Resp. No.3

**CORAM: SMT. VASANTI A. NAIK &
SHRI C.V. BHADANG, JJ.**

DATE: 3rd MARCH, 2015

P.C.:

Since the issue involved in these petitions is identical, they are heard together and are decided by this common order.

By these petitions, the petitioners challenge the notice issued by the Municipal Corporation under the provisions of section 478(1) and 433(c) of the Maharashtra Municipal Corporations Act. It is submitted on behalf of the petitioners that when similar notices were issued to the petitioners some time in the year 2010, the petitioners had approached this Court in separate Writ Petitions. It is stated that after hearing the learned Counsel for the petitioners and the Corporation, this Court had directed the Corporation to take appropriate decision in the matter after considering the objections of the petitioners to the validity of the notice. It is the case of the petitioners that though by a common order dated 25.10.2012 in the Writ Petitions filed by the petitioners, this Court had directed the Municipal Corporation to take appropriate decision after granting an opportunity to the petitioners, the Corporation has neither granted an opportunity of hearing to the petitioners nor has taken a decision in the matter. It is stated that without complying with the order dated 25.10.2012, fresh notices are issued by the Corporation.

The learned Counsel for the Corporation fairly states on instructions that the petitioners were not granted an opportunity of hearing before the impugned notices were issued. It is stated that the Respondent – Corporation would hear the petitioners and after considering the objections

raised by the petitioners to the impugned notices, an appropriate decision would be taken.

It is stated on behalf of the petitioners that after the notices impugned in these petitions were issued, the Corporation has during the pendency of the Writ Petitions issued fresh notices seeking the removal of the unauthorised construction.

In view of the statements made on behalf of the Municipal Corporation, we dispose of the Writ Petitions with a direction to the respondent Corporation to take an appropriate decision in the matter after hearing the petitioners. The petitioners undertake to remain present before the Executive Engineer (Establishment Department) on 25.3.2015 so that notice to the petitioners could be dispensed with. The petitioners shall file their reply to the notices on the date of appearance itself. The petitioners are at liberty to raise the objection to the notices impugned in the earlier petitions and notices and also the notices impugned in these petitions. The order of status quo, as granted by this Court on 15.3.2013 to continue till the matter is decided by the Corporation.

Order accordingly. No costs.

(C.V. BHADANG, J.)

(VASANTI A. NAIK, J.)