IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 9906 OF 2014

Siddhivinayak Shikshan Sanstha through
its Secretary Smt. Geeta S. Salunke .. Petitioner
vs.
The Municipal Commissioner,
Pune Municipal Corporation, Pune
and ors. .. Respondents

Mr. P.B. Shah i/b. Shah Kayval P. for the Petitioner.
Mr. A.D. Kango, AGP for Respondent No.3.

CORAM : M. S. SONAK, J.
DATE : 13 FEBRUARY, 2015.

P.C. :-

1] This petition can be disposed of, at this stage itself.

2] The challenge in this petition is to the Notice dated 27 June 2013 issued by the Pune Municipal Corporation, Pune (Corporation) requiring the petitioner to demolish their school building, which is stated to be unauthorised.

3] Learned counsel for the petitioner solemnly states that prior to issuance of this notice, there was no show cause notice and no opportunity was afforded to the petitioner to show cause in the matter of the proposed action.

4] In the aforesaid circumstances and considering that almost 1200 students are studying in the school building, it is only appropriate if the notice dated 27 June 2013 is treated as a show cause notice to the petitioner. The petitioner to file a reply to the

said show cause notice within a period of the two weeks from today. The Corporation to take into consideration such reply and thereafter make an appropriate final order within a period of four weeks thereafter.

5] In case the order is adverse to the petitioner, then the same shall not be implemented for a period of two weeks thereafter.

6] The petitioner to communicate this order to the Pune Municipal Corporation, Pune, at the earliest, or in any case alongwith the reply which they will file within a period of two weeks. This is because, despite service, the Corporation has not remain present in this Court today.

7] With the aforesaid directions, this petition is disposed of. However, it is clarified that until final order is made as aforesaid and for two weeks thereafter, no coercive action shall be taken against the petitioner.

8] All parties to act upon an authenticated copy of this order.

(M. S. SONAK, J.)

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