

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

WRIT PETITION (L) NO.1767 OF 2015

Mr. Prem Sunder Motiramani **Petitioner**
V/s
Mumbai Municipal Corporation & Anr. **Respondents**

Mr. Surel Shah i/b Mr. Ashish U. Mishra for Petitioner.
Ms.K.H. Mastakar for Respondents Corporation.

CORAM : A.A. SAYED, J.
DATED : 22 JUNE 2015

P.C.

1 The order impugned in this Petition is an order dated 9 June 2015 passed by the Designated Officer-IV of the Respondent Corporation against the Petitioner pursuant to the Notice under section 351 of the MMC Act.

2 The impugned order interalia records that the Petitioner has not replied to the Notice which was served upon him on 31 December 2014, despite the fact that the Petitioner had filed a Reply to the Notice under section 351 of the MMC Act on 6 January 2015. It is thus evident that the impugned order has been passed without considering the Reply of the Petitioner.

3 In the circumstances, the impugned order will have to be set aside and is accordingly set aside. The Designated Officer shall pass a fresh

order after considering the Reply of the Petitioner within six weeks from today. Until the decision of the Designated Officer and for a period of three weeks thereafter from the date of communication of the order to the Petitioner (in the event the decision is adverse to the Petitioner), the order of the Designated Officer shall not be enforced.

4 It is made clear that in the event the Petitioner desires to challenge the order of the Designated Officer he would have to file suit and a Writ Petition may not be entertained. All contentions are kept open.

5 The Writ Petition to stand disposed of accordingly.

(A.A. SAYED, J.)

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