

pmw

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

**WRIT PETITION (L.) NO.2948 OF 2015**

|                                   |             |
|-----------------------------------|-------------|
| Anandiben Bhagubai Patel and Anr. | Petitioners |
| Vs.                               |             |
| State of Maharashtra and Ors.     | Respondents |

Mr. Vipin Kamdi a/w Ms. Nikita Pawar i/by S.I. Joshi, for the Petitioners.  
Mrs. Shobha Ajitkumar, for the Respondent Nos.2 to 4.

**CORAM : A.S. OKA &  
VL. ACHLIYA, JJ.**

**DATE : 14<sup>th</sup> OCTOBER, 2015**

**P.C.**

. **Not on board. Taken on board.**

. Heard the learned counsel appearing for the Petitioners and the learned counsel appearing for the first to fourth Respondents. The learned counsel appearing for the first to fourth Respondents states that though a reply has been filed by the Petitioners to the notice dated 30<sup>th</sup> September, 2015 issued under Section 351 of the Mumbai Municipal Corporation Act, 1888 (for short “the said Act”), no order has been passed by the designated officer on the basis of the said notice. She states that an order is likely to be passed within two days from today. It is obvious that no action can be taken on the basis of the show cause

notice dated 30<sup>th</sup> September, 2015 till appropriate order is passed thereon by the designated officer.

2. Hence, we dispose of the Petition by passing the following order :-

**ORDER**

- (i) We direct the designated officer to serve a copy of the order which may be passed by him on the show cause notice to the Petitioners;
- (ii) If the order be adverse to the Petitioners, the same shall not be implemented for a period of one month from the date on which the order is served upon the Petitioners;
- (iii) We make it clear that no adjudication is made on the merits of the show cause notice and all contentions on merits are kept open;
- (iv) The Petition is disposed of on above terms.

**(V.L. ACHLIYA, J )**

**(A.S. OKA, J )**