

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 2560 OF 2015

Nanasaheb Deoram Sadashiv .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

WITH

WRIT PETITION NO. 2561 OF 2015

Raosaheb Deoram Sadashiv .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

WITH

WRIT PETITION NO. 2562 OF 2015

Dilip Deoram Sadashiv .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

WITH

WRIT PETITION NO. 2563 OF 2015

Narmadabai Parshuram Satdive .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

WITH

WRIT PETITION NO. 2564 OF 2015

Meena Ashok Ugale .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

**WITH
WRIT PETITION NO. 2565 OF 2015**

Kiran Jagannath Salvi	..	Petitioner
Versus		
The State of Maharashtra and others	..	Respondents

**WITH
WRIT PETITION NO. 2566 OF 2015**

Manda Raju More	..	Petitioner
Versus		
The State of Maharashtra and others	..	Respondents

**WITH
WRIT PETITION NO. 2567 OF 2015**

Mangal Pradip Sable	..	Petitioner
Versus		
The State of Maharashtra and others	..	Respondents

**WITH
WRIT PETITION NO. 2568 OF 2015**

Rangubai Sampat Sable	..	Petitioner
Versus		
The State of Maharashtra and others	..	Respondents

**WITH
WRIT PETITION NO. 2569 OF 2015**

Mahendra Jagannath Salvi	..	Petitioner
Versus		
The State of Maharashtra and others	..	Respondents

WITH

WRIT PETITION NO. 2570 OF 2015

Maya Murlidhar More .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

WITH

WRIT PETITION NO. 2571 OF 2015

Bebi Eknath More .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

WITH

WRIT PETITION NO. 2572 OF 2015

Rekha Bhagwan More .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

WITH

WRIT PETITION NO. 2573 OF 2015

Changdev Mahadu Hiwrale .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

WITH

WRIT PETITION NO. 2574 OF 2015

Banobi Munir Shaikh .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

WITH

WRIT PETITION NO. 2575 OF 2015

Manda Subhash Gaikwad .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

WITH

WRIT PETITION NO. 2576 OF 2015

Wacchalabai Waman Salve .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

WITH

WRIT PETITION NO. 2577 OF 2015

Tara Uttam Hiwrale .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

WITH

WRIT PETITION NO. 2578 OF 2015

Mahmmad Vajir Shaikh .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

WITH

WRIT PETITION NO. 2579 OF 2015

Alka Bharat Kedare .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

WITH

WRIT PETITION NO. 2580 OF 2015

Gangubai Damodar Salvi .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

**WITH
WRIT PETITION NO. 2581 OF 2015**

Sadhana Ashok Hiwrale .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

**WITH
WRIT PETITION NO. 2582 OF 2015**

Janabai Kashinath Jadhav .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

**WITH
WRIT PETITION NO. 2583 OF 2015**

Ranjana Arjun Sonawane .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

**WITH
WRIT PETITION NO. 2584 OF 2015**

Jarina Maheebub Shaikh .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

**WITH
WRIT PETITION NO. 2150 OF 2015**

Shobha Ramesh Bankar .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

WITH
WRIT PETITION NO. 2154 OF 2015

Shobha Walmik More	..	Petitioner
Versus		
The State of Maharashtra and others	..	Respondents

WITH
WRIT PETITION NO. 2157 OF 2015

Aashok Bhaskar Sadashiv	..	Petitioner
Versus		
The State of Maharashtra and others	..	Respondents

WITH
WRIT PETITION NO. 2195 OF 2015

Bhausahab Deorao Sadashiv	..	Petitioner
Versus		
The State of Maharashtra and others	..	Respondents

WITH
WRIT PETITION NO. 2158 OF 2015

Nirmala Mukund Hiwrale	..	Petitioner
Versus		
The State of Maharashtra and others	..	Respondents

Shri Shaikh Mazhar A. Jahagirdar, Advocate for the Petitioner in all matters.

Ms. S. S. Raut, A.G.P. for Respondent Nos. 1, 4 and 5 in all matters.

Shri P. V. Barde, Advocate for Respondent Nos. 2 and 3 in all matters.

**CORAM : S. V. GANGAPURWALA AND
K. K. SONAWANE, JJ.
DATE : 11TH JULY, 2016.**

PER COURT :

. Mr. Shaikh, the learned counsel for the petitioners submits that, the petitioners are not the encroachers'. Notices have been issued to petitioners to remove their houses on the ground that same is an encroachment, which is illegal. In majority of cases the petitioners or their parents were the employees of the respondents and were legitimately occupying the said premises. According to the learned counsel, the impugned notices are illegal and bad in law.

2. Mr. Barde, the learned counsel for the respondent/corporation submits that, the impugned notices are show cause notices. The petitioners have not filed any reply to the said notices.

3. The learned Assistant Government Pleader submits that, the writ petitions as against mere show cause notices are not tenable and relies on the judgment of the Apex Court in the case of Bellary Steels and Alloy Limited Vs. Deputy Commissioner, Commercial Taxes (Assessments) and others reported in (2009) 17 SCC 547.

4. It appears that, the impugned notices are not the orders, but are merely show cause notices. The petitioners have every opportunity to file reply to the said show cause notices and put forth their stand and the respondent/Corporation has not taken steps against the petitioners since the date of show cause notice. In view of that, we pass following order.

5. The petitioners may file their reply to the show cause notices impugned in the present writ petitions. The respondents shall consider the reply filed by petitioners and may after considering the reply pass appropriate orders and communicate the same to petitioners.

6. In case orders passed by respondent/corporation are adverse to petitioners, the petitioners have liberty to assail the same before the appropriate forum and in appropriate proceedings. Needless to state till the decision is taken by the respondent authorities, the respondent authorities would not take any coercive steps against the petitioners. The writ petitions are disposed of. No costs.

[K. K. SONAWANE, J.]

[S. V. GANGAPURWALA, J.]