

ssp

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELATE JURISDICTION
WRIT PETITION NO.1436 OF 2016

Narayandas Atmaram Khatri ...Petitioner
vs.
Ulhasnagar Municipal Corporation
and others ...Respondents

ALONG WITH
WRIT PETITION NO.1413 of 2016

Manohar Talreja ...Petitioner
vs.
Ulhasnagar Municipal Corporation
and others ...Respondents

Mr.N.R.Bubna for the Petitioner in both the
petitions
Mr.N.V.Walawalkar, Senior Advocate i/b Mr.S.M.Kamble
for the Respondent No.1 in both the petitions
Ms M.P.Thakur, AGP for respondent No.2 in both the
petitions.

CORAM : A.S.OKA, &
R.D.DHANUKA, JJ.

DATE : MARCH 4, 2016

P.C.:

1 The learned senior counsel for the Ulhasnagar Municipal Corporation states on instructions of the Municipal Commissioner the notices issued in respect of the structures subject matter of these petitions will be withdrawn and fresh notices will be served upon the petitioners. He states that appropriate action will be taken only after opportunity of being heard is given to the petitioners. We accept the said statement.

2 Hence, we dispose of the petitions by passing the following order:

- (I) We accept the aforesaid statements made on behalf of the first respondent-Ulhasnagar Municipal Corporation. It will be open for the Ulhasnagar Municipal Corporation to issue a fresh notice to the petitioners;
- (II) After granting a reasonable opportunity of being heard to the petitioners, appropriate Officer of the Ulhasnagar Municipal Corporation shall pass an order in accordance with law;
- (III) It will be open for the petitioners to raise all possible contentions while dealing with the notice;
- (IV) The order passed on the basis of the notice shall be served to the petitioners. If the order be adverse to them, the same shall not be implemented for a period of three weeks from the date on which the order is served;
- (V) All contentions on merits are kept open;
- (VI) The petitions are disposed of on above terms;

(R.D.DHANUKA,J.)

(A.S.OKA,J.)