

Urmila Ingale

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION STAMP NO. 32578 OF 2016

Jayanti B. Patkar	.. Petitioner
Vs.	
Kalyan Dombivali Municipal Corporation and ors.	.. Respondents

WITH
WRIT PETITION STAMP NO. 32580 OF 2016

Chandrakant Narayan Patkar	.. Petitioner
Vs.	
Kalyan Dombivali Municipal Corporation and ors.	.. Respondents

Mr.S.M.Oak i/b Mr.Sagar A. Joshi, for the Petitioners.
Mr.A.S.Rao, for Respondents.

**CORAM : NARESH H. PATIL &
M.S.KARNIK, JJ.**

05th DECEMBER, 2016

P.C. :

. The petitioners challenge the notice - Exhibit 'C' issued on 28/03/2016 by the Kalyan Dombivali Municipal Corporation – respondents under Section 212 (1) of the

Maharashtra Municipal Corporation Act. Learned Counsel appearing for the petitioners submits that due to presence of the Corporation officers, they seriously apprehend that the subject structure will be demolished at any time.

2. Mr. Rao – learned Counsel appearing for the Corporation submits that the petition against a show cause notice is not maintainable. The petitioners have an alternate remedy of approaching the authority in accordance with the provisions of law which they have not done so. Mr.Rao further submits that the petitioners are free to submit their say before the concerned authority and in case, such a say is filed, the authorities would personally hear the petitioners or authorised representative and pass appropriate reasoned order thereon. This exercise shall be completed within 2 weeks.

3. On the statement made by Mr.Rao - learned Counsel appearing for the Corporation as above, we direct the Corporation to act accordingly. For a period of 2 weeks from

today, status-quo as on today in respect of the subject structure shall be maintained by the parties.

4. In case, in any adverse order is received by the petitioners, the same shall not take effect for 10 days from the date of receipt of the said order by the petitioners.

5. Writ Petitions are disposed of.

(M.S.KARNIK, J.)

(NARESH H. PATIL, J.)