

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO. 5662/2015

(HOTEL RANGOLI PEARL **VERSUS** THE AMRAVATI MUNICIPAL CORPORATION, AMRAVATI & ORS)

 Office Notes, Office Memoranda of Coram,
 appearances, Court's orders of directions
 and Registrar's orders

Court's or Judge's orders

Shri M.G. Bhangde, Senior Counsel with Shri R.M. Bhangde, counsel for the petitioner.

Shri C.S. Kaptan, Senior Counsel with Shri S.M. Ghodeswar, counsel for the respondents.

CORAM : SMT.VASANTI A. NAIK AND
A.S. CHANDURKAR, JJ.

DATE : MARCH 02, 2016.

By this writ petition, the petitioner has challenged the order of the respondent No.3-Assistant Commissioner, Amravati Municipal Corporation imposing penalty on the petitioner under the provisions of Section 267-A of the Maharashtra Municipal Corporation Act.

While issuing notice to the respondents, we had stayed the impugned communication imposing penalty on the petitioner till the returnable date and the said order was continued from time to time when the matter was adjourned.

Shri Kaptan, the learned Senior Counsel for the respondents states on instructions that the appeal filed by the petitioner before the Municipal Commissioner, Amravati would be considered as the objection of the petitioner and the said objection would be decided on merits in accordance with law. It is stated that the respondents would not insist that the petitioner should deposit any amount towards penalty till its objection is decided. It is further stated the respondents would not take any coercive action against the petitioner for a period of two weeks from the date of communication of the adverse orders, if any, against the petitioner.

Shri Bhangde, the learned Senior Counsel for the petitioner states that the proposal, as submitted on behalf of the respondents by the learned Senior Counsel is acceptable to the petitioner. It is stated that the petitioner should be permitted to raise the additional grounds and/or file additional documents before the Commissioner of Municipal Corporation, Amravati, if need be, within a period of two weeks. It is stated that the petitioner should be heard by the Municipal Commissioner, Amravati so that the petitioner would be able to canvass its grievance appropriately.

In view of the statements recorded herein above, which would be binding on the respondents, we dispose of the writ petition. The Municipal Commissioner, Amravati Municipal Corporation should personally hear the petitioner before taking any decision in the matter of imposition of penalty on the petitioner. The Municipal Commissioner, Amravati should also accept additional material, if tendered by the petitioner, within a period of two weeks, before deciding the objection of the petitioner. In view of the aforesaid arrangement, the impugned communication would not survive. The petitioner is free to take appropriate steps for redressal of the grievance regarding demolition of the compound wall.

Order accordingly. No costs.

JUDGE

JUDGE

APTE