

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO.30 OF 2017
IN
WRIT PETITION (L) NO.35869 OF 2016**

Shri Gajanan Ramkrushna Nerurkar & Anr.	...Petitioners
vs.	
The State of Maharashtra through Principal Secretary, Town Panning Dept. & Ors.	...Respondents

Mr. G. S. Godbole a/w Ms. Ketki Gadkari i/b Mr. Amol Joshi for the
Petitioners.
Mr. A. S. Rao for the Corporation.
Ms. R. A. Salunkhe, AGP for the State.

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

JANUARY 06, 2017.

P.C.

. The Petitioners challenge the show cause notice issued u/s.212(1) of the Mumbai Municipal Corporation Act. Learned Counsel appearing for the Petitioners raised several issues in respect of challenging the impugned notice. He submitted that the notice was not served upon him. It was pasted at the premises. He further submitted that the provisions of section 210 are not followed in determining the road line by the Commissioner, the proposal of the Commissioner was not sanctioned by the Standing Committee. In case the Corporation proposes to pull down the structure the procedure enunciated under the Act has to be followed.

2. Learned counsel for the Respondent submits that the Petitioners would be heard on whatever issues they want to raise before the

Designated Officer.

3. Learned counsel Mr. Rao on behalf of the Corporation submits that a reasoned order will be passed after hearing the Petitioner on merits.

4. In the facts of the case, we direct that the Petitioners are entitled to file a reply to the show cause notice. The Petitioners shall be heard by the concerned Designated Authority and thereafter a reasoned order shall be passed by the concerned authority. The petitioner undertakes to appear before the concerned Ward Officer, 'G' Ward, Kalyan-Dombivli Municipal Corporation at 11.00 a.m. on 11/1/2017. Within two weeks thereafter, the concerned Ward Officer shall pass an appropriate order.

5. If the Ward Officer passes an adverse order against the Petitioners, the same shall not take effect for a period of 2 weeks from the date of receipt of the order by the Petitioners. Till the Ward Officer passes an order, status-quo of subject structure shall be maintained by the Corporation. All issues on merits are kept open. It is clarified that we have not expressed any opinion. Writ Petition is accordingly disposed of. Civil Application for amendment is allowed. The parties to act on authenticated copy of this order.

(M. S. KARNIK, J.)

(NARESH H. PATIL,J.)