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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 322 OF 2017

Mr. Madan Pandharinath Chikankar

.. Petitioner

Versus

Kalyan Dombivali Municipal Corporation,
Through Ward Committee “C” and ors.

.. Respondents

Mr. S. M. Oak i/by Mr. Sagar A. Joshi for petitioner.
Mr. A. S. Rao for respondent – Corporation.

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

JANUARY 10, 2017.

P.C.

1. The petitioner challenges the notice – Exhibit “F” dated issued on 2/1/2017 by the Kalyan Dombivali Municipal Corporation – respondents under Section 212 (1) of the Maharashtra Municipal Corporation Act. Learned Counsel appearing for the petitioner 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 petitioner has an alternate remedy of approaching the authority in accordance with the provisions of law which he has not done so. Mr. Rao further submits that the petitioner is free to submit his say before the concerned authority and in case such a say is filed, the authorities would personally hear the petitioner or authorized representative and pass appropriate reasoned order thereon. This exercise will be completed with two 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 two 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 petitioner, the same shall not take effect for ten days from the date of receipt of the said order by the petitioner.

5. Writ Petition is disposed of accordingly.

(M. S. KARNIK, J.)

(NARESH H. PATIL,J.)