

rrpillai

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.3339 OF 2017**

The Saraswat Co-operative Bank Ltd.

..Petitioner

Versus

Navi Mumbai Municipal
Corporation and Ors.

..Respondents

.....

Mr.G.V. Murti a/w. Mr.Mohan Rao i/b. M/s. MSR & Associates for the
Petitioner.

Mr. Sandeep Marne for the Respondent-Corporation.

.....

**CORAM: M. S. SANKLECHA &
A. K. MENON, JJ.**

DATE : 23rd MARCH, 2017

P. C.

1. This petition under Article 226 of the Constitution of India challenges a final notice dated 18th March, 2017 issued by respondent no.1 – Corporation under the Maharashtra Municipal Corporations Act, 1949 (the Act).

2. The impugned final notice calls upon the petitioner to pay the outstanding property tax within two days failing which further proceeding for attachment and sale of the defaulting property would be initiated by the Corporation.

3. The grievance of Mr. Murti is that the impugned notice dated 18th March, 2017 has been issued without having disposed of the petitioners representation dated 20th January, 2017. Mr. Murti, learned Counsel for the petitioner points out that the special notice dated 11th April, 2015 was objected to by the petitioners by communication dated 23rd April, 2015. The same has not yet been disposed of. In spite of the above fact the Corporation issued further a special notice dated 17th October, 2015 and consequent thereto a final notice dated 9th January, 2017 and 18th March, 2017. All that the petitioner seeks is his representation dated 20th January, 2017 be considered by the Corporation and be disposed of in accordance with law.

4. Mr. Marne, learned Counsel for the Corporation very fairly states that the Corporation will hear the petitioners and thereafter pass an Order on the representation dated 20th January, 2017. Further, the Corporation till the disposal of the petitioners representation dated 20th January, 2017 will not take any coercive proceedings.

5. In the above terms the petition is disposed off.

(A. K. MENON, J.)

(M. S. SANKLECHA, J.)