

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

WRIT PETITION NO. 3520 OF 2017

Gaurihar Co-operative Housing
Society Ltd.

... Petitioner.

Versus

Municipal Corporation Panvel
and another

... Respondents.

....

Mr. Ram Apte, Senior Counsel a/w Mr. Shirin Shaikh a/w Mr.
Abbas Mandviwale i/b. Mr. Raval Shah.

Mr. Sarang S. Aradhye for Respondent No.1.

....

***CORAM : Smt. Vasanti A Naik &
Riyaz I. Chagla, JJ.***

DATE : 17th November, 2017.

P.C. :

Heard.

Though several prayers are made in the writ petition, the learned counsel for the petitioner states that the grievance of the petitioner would stand redressed at this stage, if this Court directs the respondent-Corporation to grant an opportunity to the petitioner to show cause against the order pertaining to 'stop work'. It is stated that merely because a third party had made a complaint against the petitioner that the property belongs to the Waqf and necessary permission was not secured before the re-development, the respondent-Corporation has illegally served the 'stop work' notice on the petitioner. It is stated that an appropriate order could be passed by the Corporation after giving an opportunity to the petitioner to show cause against the order of 'stop work'.

The learned counsel for the respondent-Corporation states that the Corporation has no objection to grant an opportunity to the petitioner for showing cause in the matter of the 'stop work' order. It is stated that a show cause notice would be served on the petitioner and the petitioner may reply to the same within the time stipulated in the show cause notice. It is stated that an appropriate order would be then passed.

In view of the statements recorded herein above, we dispose of the writ petition by accepting the statement made on behalf of the Corporation and directing the Corporation to take a decision in the matter within ten weeks. It is needless to mention that till a decision is rendered by the Corporation in the aforesaid matter, the petitioner would not continue with the construction work. Order accordingly. No costs.

(Riyaz I. Chagla J)

(Smt. Vasanti A Naik, J)