

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5001 OF 2017

Muzamil Nasim Khot & Ors. ... Petitioners
Vs.
The State of Maharashtra & Ors. ... Respondents

WITH
WRIT PETITION NO. 4449 OF 2017

M/s. United Business Enterprises ... Petitioner
Vs.
State of Maharashtra & Ors. ... Respondents

WITH
WRIT PETITION NO. 4456 OF 2017

Ashfaq Ibrahim Don ... Petitioner
Vs.
The State of Maharashtra & Ors. ... Respondents

WITH
WRIT PETITION NO. 4457 OF 2017

Zakiya Salim Khot ... Petitioner
Vs.
The State of Maharashtra & Ors. ... Respondents

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Ms. A.R.S.Baxi for the Petitioners in WP/5001/2017.
Ms. Jai V. Kanade i/b. Ms. Shruti Tulpule & Ms. Ulka Saranjame for
the Petitioners in WP/4449/2017 and WP/4457/2017.
Ms. Jai V. Kanade i/b. Ms. Sanjukta Dey for the Petitioner in
WP/4456/2017.
Mr. R. M. Shinde, AGP for Respondent Nos.1 & 7-State in all Writ
Petitions.
Mr. Ishwar Nankani a/w Ms. Gauri Memon i/b. M/s. Nankani &
Associates for Respondent Nos. 2 to 4 in all Writ Petitions.

Mr. Prashant Kamble i/b. Mr. A. S. Rao for Respondent Nos. 5 & 6
in all Writ Petitions.

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**CORAM : SHANTANU S. KEMKAR &
M. S. SONAK, JJ.**

DATE : JUNE 14, 2017.

P.C. :

1. The Petitioners have filed these Petitions challenging the action taken by the Tahsildar, Kalyan, as also the Kalyan-Dombivali Municipal Corporation.

2. We find that the impugned actions, which have been taken by the Tahsildar, Kalyan, as also the said Municipal Corporation, asking the Petitioners to vacate the premises in question, have been taken without issuance of any show-cause notice and without affording any opportunity of being heard to the Petitioners. It appears that the Tahsildar has given extremely short notice of about five hours to the Petitioners to vacate the premises, whereas, the Corporation has issued a notice asking the Petitioners to immediately vacate the premises.

3. Keeping in view the aforesaid facts, we are of the view that these Petitions deserve to be disposed of by directing the Tahsildar, as also the competent authority of the Kalyan-Dombivali Municipal Corporation, to pass appropriate orders after considering the reply as may be filed by the Petitioners, treating the impugned notices as

show-cause notices. The reply, if not filed by the Petitioners, be now filed within four weeks from today alongwith the supporting documents in regard to their contentions. On receipt of the said reply, the Tahsildar and the competent authority of the Kalyan-Dombivali Municipal Corporation, as the case may be, will give an opportunity of personal hearing to the Petitioners and then pass a reasoned order uninfluenced by the earlier notices of eviction. The Petitioners to submit the additional reply/representation alongwith supporting documents before the authority concerned, within one month from today. The Petitioners, as also the representative of the 2nd respondent - Maharashtra Maritime Board, to appear before the said authority on 17th July, 2017. On that date, or immediately thereafter, the matters be heard by the said authority and be decided within eight weeks from the date of hearing. Till the matters are decided by the authority as aforesaid, the *status quo* as it exists today shall be maintained by the parties.

4. With the aforesaid directions, the Writ Petitions are disposed of.

(M. S. SONAK, J.)

(SHANTANU S. KEMKAR, J.)