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IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION  
WRIT PETITION NO.4499 OF 2013

Vakas Mustak Patel ...Petitioner  
vs.  
Bhiwandi Nizampur Municipal  
Council, and others ...Respondents

Mr.Sandeep Phatak i/b Mr.Sugandh B. Deshmukh for the  
Petitioner  
Mr.N.R.Bubna for the respondent Nos.1 and 2.  
Mr.Sagar A. Joshi for respondent No.4

CORAM : A.S.OKA, &  
SMT.VIBHA KANKANWADI, JJ.  
DATE : AUGUST 1, 2017

P.C.:

1 Heard the learned counsel for the petitioner,  
the learned counsel for the first and the second  
respondents and the learned counsel for the fourth  
respondent.

2 By this petition under Article 226 of the  
Constitution of India, the petitioners have  
challenged notices dated 20<sup>th</sup> April 2013 issued by  
the first respondent-Municipal Corporation the  
copies of which have been annexed to the petition as  
Exhibit-B (collectively). The second set of  
notices were issued to the petitioner on 13<sup>th</sup> March  
2013 Exhibit-C to the petition (collectively) by  
which the petitioner was called upon to produce the  
documents failing which he was informed that action  
under sections 260 and 268 of the Maharashtra

Municipal Corporations Act, 1949 will be initiated. Perhaps, on the basis of the notices of 13<sup>th</sup> March 2013 that the notices dated 20<sup>th</sup> April 2013 have been issued. Notices dated 20<sup>th</sup> April 2013 are notices calling upon the petitioner to remain present for hearing. The learned counsel for the petitioner on instructions states that no final order has been passed on the basis of said notices (Exhibit-B). The learned counsel for the first and second respondents has no instructions.

3 In view of the law laid down by this Court in the case of Sopan Maruti Thopte and another vs. Pune Municipal Corporation and another<sup>1</sup>, as notices under section 260 of the have been issued, appropriate speaking order will have to be passed on the said notices by the first respondent - Municipal Corporation.

4 Accordingly, we dispose of this petition by passing the following order:

(I) We direct the petitioner to remain present in the office of the Municipal Commissioner of the first respondent - Corporation on 23<sup>rd</sup> August 2017 at 11.00 a.m. The petitioner shall produce an authenticated copy of this order in the office of the Commissioner of the first respondent;

(II) If the orders have been already passed on the basis of the said notices at Exhibit-B, the

copies of the orders be served on the petitioner on the date fixed for appearance;

(III) If the said orders be of demolition, the same shall not be implemented for a period of two weeks from the date on which the orders are served to the petitioner;

(IV) If the orders are not yet passed by the Competent Authority of the first respondent, the same shall be passed on or before 30<sup>th</sup> September 2017;

(V) The orders passed on the notices be communicated to all concerned parties;

(VI) If the orders passed on the notices be adverse to the petitioner, the same shall not be acted upon for a period of two weeks from the date on which the same are served;

(VII) We make it clear that we have made no adjudication on merits of the notices and all contentions on merits are kept open.

(VIBHA KANKANWADI,J.)

(A.S.OKA,J.)