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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7315 OF 2016

Mrs. Laxmi Narottam Ojha

.. Petitioner

Versus

The Thane Municipal Corporation and anr.

.. Respondents

WITH
WRIT PETITION NO. 7354 OF 2016

Mr. Jawaharlal Ramsurat Gupta

.. Petitioner

Versus

The Thane Municipal Corporation and Anr.

.. Respondents

Mr. Sandeep Mishra for petitioners.
Mr. A. R. Pitale for respondent nos.1 and 2.

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

JANUARY 18, 2017.

P.C.

1. Rule, returnable forthwith. Heard finally by consent of parties.

2. The petitioners' contention is that the impugned orders are

exparte. Learned counsel for the Corporation disputes the submission. He submits that twice the notices were issued to the petitioners, but the petitioners failed to appear before the Authority and, therefore, the Authority had to pass appropriate orders.

3. In the facts of the case, we find that one more opportunity is required to be given to the petitioners. The petitioners ought to have replied to the notice and appeared before the Authority in the proceedings. But as the matter relates to immovable property, where the petitioners are residing and as the petitioners are affected parties, we are of the view that the matters need to be remanded back to the Authority.

4. The Petition is partly allowed. The impugned orders dated 13/5/2016 passed by the Assistant Commissioner of respondent no.1 are set aside and the matters are remanded back.

5. The petitioners to appear before the Authority on Tuesday 24/1/2017 at 11.00 a.m. The Authority shall decide the matters after hearing the petitioners, by passing a reasoned order within four weeks on its own merits.

6. Parties to maintain status quo as on today till the passing of the order. In case the order is adverse to the petitioners, the same shall not effect for a period of two weeks from the date of receipt of the order by the petitioners.

7. Rule is made absolute in the above terms.

(M. S. KARNIK, J.)

(NARESH H. PATIL,J.)