

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

WRIT PETITION NO.14077 OF 2016

Namdev Chintaman Patil ... Petitioner

V/s.

State of Maharashtra & ors. ... Respondents

Mr. R.S. Kadam for the petitioner.

Mr. A.S. Rao for respondents 2 to 4.

Ms. R.A. Salunkhe for respondent no.1.

**CORAM : NARESH H. PATIL AND
M.S. KARNIK, JJ.**

6th February, 2017.

P.C.

The petitioner challenges orders dated 3rd February, 2016 and 9th December, 2016 passed by Ward Officer, Kalyan Dombivali Municipal Corporation. It is submitted that without passing an order under Section 212 sub clause (2) of the Maharashtra Municipal Corporation Act, the respondent Corporation proceeded to pass the impugned order.

2. Learned Counsel appearing for Corporation submits that under the

provisions of Section 212 of the Maharashtra Municipal Corporation Act, 1949, the petitioner would be heard and thereafter fresh order would be passed.

3. On the statement made by the Counsel appearing for Corporation, we quash and set aside the impugned orders dated 3rd February, 2016 and 9th December, 2016. The matter is remanded back to the Corporation.

4. We direct the concerned authority to hear the petitioner and thereafter pass appropriate orders within three weeks from today. The parties shall maintain status-quo as on today till the officer of the Corporation passes the order. In case of adverse order, the order of status-quo to continue for two weeks thereafter.

5. With aforesaid directions, writ petition stands disposed of.

(M.S. KARNIK, J.)

(NARESH H. PATIL, J.)