

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO.680 OF 2014

M/s.Om Shanti Housing.

.. Petitioner

Vs

Municipal Corporation for the City of Mumbai
and Others.

.. Respondents

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Shri P.K. Dhakephalkar, Senior Advocate i/b Shri J.G.Aradwad (Reddy)
for the Petitioner.

Shri A.Y. Sakhare, Senior Advocate along with Mrs.Geeta Joglekar for
the Respondent MMC.

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CORAM : A.S. OKA &
SMT. VIBHA KANKANWADI, JJ

DATED : 31ST JULY 2017

PC.

1. Heard learned senior counsel appearing for the Petitioner
and learned senior counsel appearing for the Mumbai Municipal
Corporation.

2. The first substantive prayer in this Petition under Article
226 of the Constitution of India is for challenging to the show cause
notice dated 31st January 2012. There is a reply filed by the Petitioner
to the said show cause notice which is annexed to the Petition. The
Municipal Corporation has not yet passed any order on the show cause
notice as is clear from the reply of Shri Anant S. Bhawar, the

Administrative Officer (SOC) of the first Respondent. In fact, in clause (h) of Paragraph 3 of the reply, the Municipal Corporation has accepted that though the written submissions were filed, no order has been passed.

3. The other substantive prayers in this Petition depend upon the outcome of the show cause notice.

4. Therefore, we propose to direct the Municipal Corporation to decide the show cause notice by giving a fresh hearing to the Petitioner as the hearing was concluded earlier in March 2012.

5. Accordingly, we dispose of the Petition by passing the following order:

ORDER:

- (a) We direct the first Respondent Mumbai Municipal Corporation to pass an order on the impugned show cause notice dated 31st January 2012 after giving an opportunity of being heard to the Petitioner;

- (b) The order shall be passed within a period of two weeks from the date on which this order is uploaded;
- (c) After the order is passed on the show cause notice, we permit the Petitioner to file a fresh Petition seeking other reliefs which are prayed for in this Petition;
- (d) All contentions on merits are kept open.

(VIBHA KANKANWADI, J)

(A.S. OKA, J)