

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**ORDINARY ORIGINAL CIVIL JURISDICTION****WRIT PETITION (L) NO. 3414 OF 2017**

Venkatesh Sadan Cooperative Hsg. Soc. Ltd. Petitioner

Versus

State of Maharashtra and Ors. ... Respondents

Mr. Milind Sathe, Sr. Advocate a/w Mr. Saket Mane, Mr. Vishesh Kalve i/by Vidhil Partners for the petitioners.

Mr. G.W. Mattos, AGP for respondent State.

**CORAM : SHANTANU KEMKAR &
R.G. KETKAR, JJ.
DECEMBER 11, 2017**

P.C.:

Challenging the order dated 4.10.2017 Exhibit "B" passed by the Collector, Mumbai Suburban Districts, Mumbai whereby petitioner's reply Exhibit "N" to the show cause notice dated 10.1.2017 Exhibit "M" has been rejected, the petitioner has filed this petition.

2. According to Mr. Sathe, learned senior counsel for the petitioner, the impugned order is a non speaking order and there is no consideration whatsoever of various grounds raised by the petitioner in his reply to the show cause notice.

3. We have gone through the impugned order and we find that the same is a cryptic order as there are no reasons and the order has been passed mechanically without adverting the grounds raised by the petitioner in reply to the show cause notice. In view of the same, we have no option but to set aside the impugned order and remand the matter back to the Collector, Mumbai Suburban Districts for taking a fresh decision after giving due opportunity of hearing to the petitioner.

4. As a result, we allow the writ petition by setting aside the impugned order dated 4.10.2017 Exhibit "B" and remand the matter back to the Collector for taking a fresh decision. As a consequence of setting aside the impugned order, the demand notice dated 24.11.2017 Exhibit "B1" stands quashed. Petitioner to appear before the Collector on 9.1.2018. The Collector, there after shall fix a date for hearing and pass a fresh speaking order in the matter as expeditiously as possible.

5. With the aforesaid directions, Writ Petition is disposed of.

(R.G. KETKAR, J.)

(SHANTANU S. KEMKAR, J.)