

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 270 OF 2018
IN
WRIT PETITION NO. 3198 OF 2017

Chanakya Mandal Pariwar.	...	Applicant.
In the matter between		
Chanakya Mandal Pariwar.	...	Petitioner.
V/s.		
Pune Municipal Corporation and others.	...	Respondents.

Mr.A.V.Anturkar, Senior Advocate with Mr.Sandeep M. Pathak
for the applicant/petitioner.

Mr.Vishwanath Patil for respondent Nos.1 and 2.

Mrs.S.V.Bharucha for respondent No.3.

CORAM : A.S.OKA AND P.N.DESHMUKH, JJ.

DATE : 31st January 2018

PC.:

Not on board. Taken on board.

2. Heard the learned senior counsel appearing for the applicant. The grievance in the civil application is as regards the show-cause-notice dated 19th January 2018 issued under section 258 of the Maharashtra Municipal Corporation Act, 1949 (for short "said Act"). The contention is that in the light of the statement made on behalf of the Pune Municipal Corporation which is recorded in paragraph-4 of the order dated 28th April

2017, an action of issuing notice under section 258 of the said Act ought not to have been taken. It appears to us that the statement recorded in paragraph-4 of the said order is confined to taking coercive action in terms of the impugned notices which are subject matter of this petition. Therefore, no relief can be granted in this petition as regards the show cause notice issued under section 258.

3. We, therefore, dispose of this civil application by reserving liberty to the applicant/petitioner to take appropriate proceedings for challenging the show cause notice dated 19th January 2018.

4. We make it clear that we have not made any adjudication on the legality or validity of the said show cause notice and all the issues in that respect are kept open.

(PN.DESHMUKH, J.)

(A.S.OKA, J.)