

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.7767 OF 2018

Ashok Hiralal Chaudhari and Anr. ...Petitioners
vs.
Aslam Sadulla Khan and Ors. ...Respondents

Mr. N.P. Deshpande, for the Petitioners
Mr. S.S. Patwardhan, for Respondent No. 1.
Mr. A.A. Garge, for Respondent Nos. 2 and 3.
Ms. Reena Salunkhe, AGP for Respondent-State.

**CORAM : SHANTANU KEMKAR &
S. V. KOTWAL, JJ.**

DATE : AUGUST 24, 2018

P.C.:

. Challenging the notice dated 7th July, 2018 issued by Respondent Nos. 2 and 3 in exercise of its powers under Section 53 (1) of the M.R.T.P. Act, 1966 the Petitioners have approached this Court by filing this Petition under Article 226 of the Constitution of India.

2. The grievance of the Petitioners is that the impugned notice does not specify as to what un-authorized and illegal construction has been carried out by the Petitioners and at which portion.

3. Be that as it may, the Petitioners may ask for better

particulars before Respondent Nos. 2 and 3 and submit the representation/objection to the said notice. We therefore dispose of the Petition with liberty to the Petitioners to submit a representation before the Respondent Nos. 2 and 3.

4. On receipt of Petitioners' representation/ objection, the competent authority of Respondent Nos. 2 and 3 shall consider the same and take appropriate decision on it after giving due opportunity of hearing to the Petitioners as also to the first Respondent.

5. The decision as aforesaid be taken by the competent authority within two months from the date of appearance of the Petitioners and the first Respondent before the said authority.

6. The parties to appear before the said authority on 10th September, 2018 at 11.00 am.

7. All contentions of the parties are kept open.

8. The interim order passed earlier to continue till the matter is decided by the said competent authority.

9. The Petition is disposed of as such.

(S. V. KOTWAL, J.)

(SHANTANU KEMKAR, J.)