

Sharayu Khot.

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

WRIT PETITION NO. 9694 OF 2016

Mrs. Pradnya M. Bagde & Ors.

...Petitioners

Versus

Thane Municipal Corporation & Anr.

...Respondents

Mr. Ashutosh R. Gole, for the Petitioners.

Mr. R.S. Apte, Senior Advocate, i/by Mr. Ajit Ram Pitale, for the
Respondent No. 1.

Mr. Sandesh Deshpande, for the Respondent No. 2.

**CORAM : ABHAY S. OKA AND
RIYAZ I. CHAGLA, JJ.**

DATE : 4 July 2018

ORDER :

1. In terms of the order dated 20th June 2018, the

Respondent No. 1-Municipal Corporation has filed an Affidavit of Shri. Maruti Gaikawad, Assistant Commissioner. It records that the Municipal Officers have carried out inspection of the property on 30th June 2018. A copy of the inspection report dated 30th June 2018 is annexed to the Affidavit and marked as *Exh.R1*. As noted in the said report, number of illegalities and irregularities are found during the inspection. It was also noted that one office premises was found to have been illegally constructed by a Co-operative Society of which the Petitioners are members. In paragraph 7 of the Affidavit, Shri. Maruti Gaikawad has stated thus:-

“I say that pursuant to the said inspection report, the action is proposed against the said offending structures by following due process of law. I say that the entire due process of law within time bound schedule as early as possible.”

2. The learned Senior Counsel appearing for the

Respondent No. 1-Municipal Corporation states that notices will be issued to the concerned persons in relation to the illegalities and irregularities found which are recorded in the report dated 30th June 2018 and after giving an opportunity of being heard to the concerned persons, appropriate orders in accordance with law will be passed. We accept the said statement made on instructions as well as the statement made in paragraph 7 quoted above.

3. We direct the Municipal Corporation to complete the due process of law and take action in accordance with law in terms of the aforesaid statements within a period of three months from today.

4. With the above directions, the Petition is disposed of.

5. Place the disposed of Petition on 12th October 2018 under the caption of “Directions”, when compliance Affidavit

shall be filed by the Municipal Corporation.

6. We make it clear that we have made no adjudication on the merits of the show cause notice issued by the Municipal Corporation.

[RIYAZ I. CHAGLA J.]

[ABHAY S. OKA, J.]