

WRIT PETITION NO. 9240 OF 2018

Raikumar S. Raichandani & Anr. ...Petitioners

Versus

Ulhasnagar Municipal Corporation & Ors. ...Respondents

Mr. N.R. Bubna, for the Petitioners.

Mr. Suresh M. Kamble, for the Respondents No. 1 to 3.

Ms. Nisha Mehra, AGP, for the Respondent No. 4.

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

DATE : 16 August 2018

ORDER :

1. Not on board. Taken on board.

Sharayu
Pandurang
Khot

Digitally signed
by Sharayu
Pandurang
Khot
Date:
2018.08.21
15:55:47
+1200

2. Heard the learned Counsel appearing for the Petitioners and the learned Counsel appearing for the 1st to 3rd Respondents. Perused the impugned notice *Exh.D* dated 7th

August 2018. On plain reading of the said notice, we find that it is a show cause notice under Section 260 of the Maharashtra Municipal Corporation Act, 1949. Therefore, 1st Respondent is bound to follow the law laid down in the case of *Sopan Maruti Thopte & Anr. Vs. Pune Municipal Corporation*¹. Even if an order of demolition is passed, the same cannot be implemented for a period of 15 days from the date of service of the order to the Petitioners.

3. If the Petitioners have not filed any Reply, they shall do so within a period of one week from today.

4. Subject to above directions, the Petition is disposed of.

5. All the contentions on merits are kept open.

[RIYAZ I. CHAGLA J.]

[ABHAY S. OKA, J.]

¹ 1996(1) Mh.L.J. 963