

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (LDG.) NO. 133 OF 2018

Asad Siddiqui and others. ... Petitioners.

V/s.

Municipal Corporation of Greater Mumbai
and another. ... Respondents.

Mr.Ashif Husain for the petitioners.

Ms.Pallavi Thakar for the respondents.

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

DATE : 29th January 2018

P.C.:

The challenge in this petition is to the notices issued under section 314 of the Mumbai Municipal Corporation Act, 1888 (for short “the said Act”). On 15th January 2018, the petitioners have filed reply to the said notices through their advocate. Considering the stand taken in the reply, it would be appropriate if the concerned officer of the Municipal Corporation who is empowered to pass order under section 314 of the said Act is directed to consider the reply and pass an appropriate order in accordance with law. If the said officer wants, he can always call the petitioners for personal hearing. Accordingly, we pass the following order:

- (i) It will be open to the petitioners to file additional documents in support of their reply dated 15th January 2018 within a period of ten days from today;
- (ii) We direct the appropriate officer of the Mumbai Municipal Corporation who is empowered to take action under section 314 of the said Act to pass a reasoned order after considering the reply and the documents submitted by the petitioners. It will always be open to the concerned officer to call the petitioners for personal hearing;
- (iii) The orders passed on the notices be communicated to the petitioners;
- (iv) Till the date of communication of the orders, ad-interim relief granted on 12th January 2018 shall continue to operate. If the orders passed be adverse to the petitioners, the said ad-interim relief shall continue for further period of three weeks from the date on which the orders are communicated to the petitioners;
- (v) All contentions on merits are kept open;
- (vi) The petition is disposed of in the above terms.

(PN.DESHMUKH, J.)

(A.S.OKA, J.)