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

WRIT PETITION (L) No. 493 OF 2018

Sher Khan Nazir Mohammed Khan & Anr. ... Petitioners

Vs.

The Assistant Engineer (Maint), "N" Ward,
Municipal Office, Ghatkopar (E), Mumbai & Ors. .. Respondents

Mrs. Veena Thadhani a/w Ms. Madhubala Kajle, for the Petitioners.

Ms. Geeta Shastri, Additional Govt. Pleader for the Respondent -State.

Ms. Pallavi Thakar, for the Respondent – BMC.

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

DATE : FEBRUARY 13, 2018

PC :

1. Not on board. Taken on board.
2. The learned counsel appearing for the Petitioners states that a reply will be filed to the impugned notice issued under Section 314 of the Mumbai Municipal Corporation Act, 1888 within a period of two days from today. We accept the said statement. In view of this statement, it is not necessary to keep this petition pending and the

same is disposed of by passing the following order:

- (i) It will be open to the Petitioners to file a reply to the impugned notice within a period of two days from today;
- (ii) If a reply to the impugned notice is not filed within two days, it will be open for the Municipal Corporation to take action in accordance with law on the basis of the impugned notice;
- (iii) If a reply to the impugned notice is filed within two days from today, the Assistance Engineer (Maint.) “N” Ward, Municipal Office, Ghatkopar (E), Mumbai or any other appropriate officer shall consider the reply and pass an appropriate order;
- (iv) The order passed by such an officer shall be communicated to the Petitioners. Till the date of communication of the said order, no action shall be taken on the basis of the impugned notice (Exhibit “A” to the petition). If the order passed is adverse to

the Petitioners, no action shall be taken for a period of two weeks from the date of communication of the said order to the Petitioners;

- (v) We make it clear that we have not made adjudication on merits.
- (vi) As this order is passed in presence of the learned counsel for both the parties, the learned counsel for the Municipal Corporation shall communicate this order to the concerned Assistant Engineer (Maintenance) immediately.
- (vii) The writ petition is disposed of in the aforesaid terms.

Sd/-
[P. N. DESHMUKH, J.]

Sd/-
[A. S. OKA, J.]

Vinayak Halemath