

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

WRIT PETITION (LDG.) NO. 2462 OF 2018

Shersingh M. Rathore, Proprietor
Maindeep enterprises.

... Petitioner.

V/s.

Municipal Corporation of Greater Mumbai
and others.

... Respondents.

Mr.A.G.Damle, Senior Advocate with Mr.Sanjay Udeshi i/b. Sanjay Udeshi & Co. for the petitioner.

Mr.Dipin Merchant, Senior Advocate with Ms.Pooja Yadav for the respondents.

Mr.Wagalkar, Deputy Municipal Commissioner, Zone-III is present.

Sanjay
Kashinath
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Sanjay
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CORAM : A.S.OKA AND RIYAZ I. CHAGLA, JJ.

DATE : 31st July 2018.

P.C.:

Not on board. Taken up on board.

2. The petition was heard on the earlier date. The learned senior counsel appearing for the respondents, on instruction, states that the order 9th July 2018 (Exhibit-M to the petition) will be withdrawn on the ground that the Deputy Municipal Commissioner (Zone-III) will give hearing to the petitioner. He states that as on the earlier date, a grievance was made that an opportunity of being heard was not granted to the petitioner, without there being any specific request in writing as per clause-7.3.3 of the relevant Rules, the Deputy Municipal Commissioner

(Zone-III) will give hearing to the petitioner on 7th August 2018 at 11.30 a.m. on all three show-cause-notices. We accept the said statement and, accordingly, we pass the following order:

- (i) In view of the aforesaid statement made by the learned senior counsel appearing for the respondents, the order dated 9th July 2018 (Exhibit-M to the petition) stands withdrawn;
- (ii) We direct the petitioner to appear before the Deputy Municipal Commissioner (Zone-III) on 7th August 2018 at 11.30 a.m.;
- (iii) The Deputy Municipal Commissioner (Zone-III) shall pass an appropriate order in accordance with law after giving an opportunity of being heard to the petitioner. Needless to add that hearing will be given on all the three show-cause-notices which are subject matter of this petition;
- (iv) All contentions on merits are kept open;
- (v) The petition is disposed of on the above terms.

(RIYAZ I. CHAGLA, J.)

(A.S.OKA, J.)