

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 13062 OF 2018

KAUSALYABAI SUKHLALJI BAJAJ,
THROUGH POWER OF ATTORNEY HOLDER
ASHOK SUKHLALJI BAJAJ
VERSUS
THE CHIEF OFFICER, MUNICIPAL COUNCIL, MAJALGAON
AND ANOTHER

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Advocate for Petitioner : Mr. Sikchi Aditya N.
Advocate for Respondent No. 1 :
Mr. S. R. Choukidar
AGP for Respondent No. 2 : Mr. A. R. Kale
Advocate for Intervenor : Mr. S. K. Chavan

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WITH
CIVIL APPLICATION NO. 4248 OF 2019

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CORAM: S. V. GANGAPURWALA &
A. M. DHAVALA, JJ.

DATE: 27th MARCH, 2019

PER COURT :

1. The petition is filed against the order cancelling the layout.

2. We have heard Mr. Sikchi, learned counsel for the petitioner, Mr. Choukidar, learned counsel for the Municipal Council and Mr. Chavan, learned counsel for the intervenor.

3. It is the case of the petitioner that the layout was sanctioned on 16.12.2006 and re-arranged on 07.10.2016. The same was cancelled under impugned order dated 01.03.2017. According to the learned counsel for the petitioner, the same is without hearing the petitioner.

4. According to Mr. Sikchi, the learned counsel, the petitioner was issued with the show cause notice on 23.02.2017. The said notice was served. The petitioner did not appear. According to the learned counsel for the petitioner, the said notice was served on 03.03.2017 and the order was passed on 01.03.2017.

5. Mr. Chavan, the learned counsel submits that it is on the complaint of the intervenor the action has been taken.

6. It appears that the impugned order is passed without hearing the petitioner. The show cause notice issued to the petitioner is served upon the petitioner after the order is passed. The

principles of natural justice are transgressed.

7. In the light of above, the impugned order is quashed and set aside. It is submitted that the petitioner has already filed a reply. The petitioner may file a fresh reply within two (02) weeks from today. Upon the reply being filed by the petitioner within two (02) weeks, respondent no. 1 shall take fresh decision upon the complaint filed by the intervenor after opportunity of hearing to all interested expeditiously and preferably within a period of three (03) months.

8. Writ Petition stands disposed of accordingly.
No costs.

9. In view of disposal of the writ petition, the civil application also stands disposed of.

[A. M. DHAVAL, J.] [S. V. GANGAPURWALA, J.]

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