

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

CIVIL WRIT PETITION NO.4193 OF 2019

Mr.R.L. Mishra
(Since deceased through his legal heris)
a) Damayanti Rajendraprasad Mishra (wife)
b) Jaya Rajendraprasad Mishra (Daughter)
c) Usha Puneet Poojari (Daughter)
d) Mamta Ankit Mehta (Daughter) ..Petitioners
V/s.
Bhiwandi Nizampur City
Municipal Corporation & Ors. .. Respondents

**WITH
CIVIL WRIT PETITION NO.4221 OF 2019**

Mr.Siddhique Chand Shaikh ..Petitioner
V/s.
Bhiwandi Nizampur City
Municipal Corporation & Ors. .. Respondents

**WITH
CIVIL WRIT PETITION NO.4228 OF 2019**

Mr.Vishnukar Nanilal Patel ..Petitioner
V/s.
Bhiwandi Nizampur City
Municipal Corporation & Ors. .. Respondents

**WITH
CIVIL WRIT PETITION NO.4245 OF 2019**

Mr.Suresh Govind Bhatt ..Petitioner
V/s.
Bhiwandi Nizampur City
Municipal Corporation & Ors. .. Respondents

**WITH
CIVIL WRIT PETITION NO.4542 OF 2019**

Mr.Manjoor Ahmed Ansari
V/s.
Bhiwandi Nizampur City
Municipal Corporation & Ors.

..Petitioner

.. Respondents

**WITH
CIVIL WRIT PETITION NO.6501 OF 2019**

Mr.Sudam Onkar Patil
V/s.
Bhiwandi Nizampur City
Municipal Corporation & Ors.

..Petitioner

.. Respondents

**WITH
CIVIL WRIT PETITION NO.6502 OF 2019**

Mr.Anil V. Pradhan
V/s.
Bhiwandi Nizampur City
Municipal Corporation & Ors.

..Petitioner

.. Respondents

Mr.R.S. Apte, Senior Advocate I/b Mr. Neel G. Helekar for the
Petitioners.

Mr.N.R. Bubna for Respondent Nos.1 and 2.

Mrs.M.P. Thakur, AGP for the Respondent-State.

**CORAM : RANJIT MORE &
SMT.BHARATI H. DANGRE, JJ.**

DATE : 11th JULY 2019

P.C.

1. In Writ Petition No.4193 of 2019 the learned Senior Counsel Shri.Apte, seeks leave to amend the petition and bring on record the legal heirs, since the petitioner has expired.

2. Writ Petition Nos.6501 of 2019 and 6502 of 2019 are not on board. On mentioning taken on board.

3. In the third round of litigation before this Court and on being pointed out that the impugned order dated 27.12.2018 do not cure the defect pointed out by this Court on earlier two occasions, namely, an adequate opportunity of hearing being afforded and providing reasons in the impugned order, the learned counsel for the Bhiwandi Nizampura Municipal Corporation Mr.Bubna makes a statement that the said order shall be withdrawn by the Corporation and after complying with the direction of this Court of affording an opportunity of hearing to the petitioners, a reasoned order would be passed.

4. In light of the said statement, the learned Senior Counsel Shri.Apte, seeks permission to withdraw the Writ Petition.

5. We have noted that on earlier two occasions we were required to remind the Corporation of adhering to the principles of natural justice and pass a reasoned order. We hope and expect that on this occasion the said direction issued by this Court would be kept in mind and a reasoned order would be passed within a period

of four weeks.

The petitioners are directed to remain present in the Office of the Commissioner on 15.07.2019 at 11.00 a.m. and on their presence the schedule of hearing would be fixed and the issuance of the notice of hearing would be dispensed with.

6. Mr.Bubna states that the necessary order would be passed after compliance within a period of four weeks. He also makes a statement that the order passed by the Deputy Commissioner dated 03.06.2019 which has been pointed out to us by the learned Senior Counsel Shri.Apte, would not be acted upon. The said statement is accepted.

7. Writ petitions stand disposed of in aforesaid terms.

(SMT.BHARATI H. DANGRE, J.)

(RANJIT MORE, J.)