

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

WRIT PETITION NO.8584 OF 2018

M/s.Amar Fast Food and Restaurant Pvt. Ltd. ... Petitioner

Vs

Assistant Commissioner
Navi Mumbai Municipal Corporation & anr. ... Respondents

Ms.Prerna Lalchandani i/b S.S. Phatale for the Petitioner
Mr.Sandeep Marne with Ms.S. Kurade for Respondent Nos.1 & 2

**CORAM: AKIL KURESHI &
S.J. KATHAWALLA, JJ.**

DATED: SEPTEMBER 24, 2019

P.C.:

1. By this writ petition, the petitioner has impugned the notice issued by the Navi Mumbai Municipal Corporation to the petitioner calling upon him to demolish the suit structure. By letter dated 12.4.2018, the petitioner sought a hearing in the matter and has also tried to show cause as to why the said structure should not be ordered to be demolished. The Corporation till date, has not responded to the said letter. In view thereof, we pass the following order:

i) We are of the view that the earlier order dated 31.1.2017 does not preclude the Corporation from issuing the show-cause notice to the petitioner for additional construction, which is the subject matter of the impugned notice.

ii) The Corporation shall consider the response dated 12.4.2018 submitted by the petitioner within a period of four weeks and after giving hearing to the petitioner, dispose of the representation within four weeks.

iii) The petitioner to appear before the Deputy Municipal Commissioner - Encroachment, Navi Mumbai Municipal Corporation for personal hearing on Monday, the 30th September, 2019 at 12 noon.

iv) In the meantime, the parties shall maintain status quo.

2. Writ petition is accordingly disposed of.

(S.J. KATHAWALLA, J.)

(AKIL KURESHI, J.)