

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO.4160/2017

Suprabha Rupkumar Ghosh and others.

Vs.

The State of Maharashtra, through its Secretary, Urban Development Department and others

*Office notes, Office Memoranda of
 Coram, appearances, Court's orders
 or directions and Registrar's orders.*

Court's or Judge's Orders

 Shri Hemant Bargat, Advocate with Shri N.B.Bargat, Advocate
 for petitioners.

Shri H.D.Dubey, Assistant Government Pleader for respondent
 no. 1.

Ms. Shilpa Tapadia, Advocate with Shri A.M.Quazi, Advocate for
 respondent nos. 2 and 3.

CORAM : A.S.CHANDURKAR and VINAY JOSHI, JJ.

DATE : January 28, 2020.

The challenge raised in this writ petition is to the notices dated 16.07.2016 and 28.06.2017 issued under Section 264 of the Maharashtra Municipal Corporations Act, 1949 to the owner of the premises and addressed to the petitioners who are the tenants thereon. It is the grievance of the petitioners that these notices have been issued by the Municipal Corporation at the instance of the landlord.

Since we find that disputed questions arise for adjudication, a proper challenge to these notices can be raised by approaching the Civil Court.

Accordingly, by keeping all questions raised open, the petitioners are permitted to challenge the aforesaid notices by approaching the Civil Court. The order of status quo that was passed on 03.07.2017 shall continue to operate for a period of six weeks from today. It is clarified that if the petitioners approach the Civil

Court, it shall consider the proceedings on its own merits without being influenced by the interim orders passed by this Court.

Keeping all questions open, the writ petition is disposed of. No orders as to costs.

JUDGE

JUDGE

Andurkar..