

Vidya Amin

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

WRIT PETITION NO. 2404 OF 2021

Avior Merlin Ventures LLP & Anr.

... Petitioners

vs.

State of Maharashtra, through the Public
Works Department & Anr.

... Respondents

Mr. Virag Tulzapurkar, Mr. Mayur Khandeparkar, Mr. Yash Momaya a/w. Mr. Samit Shukla, Ms. Saloni Shah i/b. DSK Legal for the petitioners.

Mr. Abhay Anil Anturkar for respondent no. 2.

Mr. M.M. Pable, AGP for the State.

**CORAM :- DIPANKAR DATTA, CJ &
G. S. KULKARNI, J.**

DATE :- JULY 3, 2021

PC :

1. The petitioners challenge a notice dated December 31, 2020, whereby the Municipal Commissioner and the Chief Executive Officer, Pune Metropolitan Region Development Authority, Pune ("PMRDA") called upon the petitioners to show cause why the permission to develop a property granted on December 19, 2019 shall not be cancelled under section 51 of the MRTP Act, 1966. By such notice, the petitioners were further called upon to stop further construction on the property failing which legal action would be taken. An opportunity was also granted to the petitioners by such notice to meet the said Municipal Commissioner on January 7, 2021 at 1 p.m. with all documents.

2. We find from the documents annexed to the petition that the petitioners have replied to the notice on February 4, 2021, followed by reminders dated March 26, 2021 and April 20, 2021.

3. Although the said Municipal Commissioner had called upon the petitioners to send their representative at 1 p.m. on January 7, 2021 with documentary evidence, no such hearing did obviously take place because the petitioners replied to the show cause notice on February 4, 2021, i.e., almost four weeks after the scheduled date of hearing.

4. Be that as it may, since the petitioners have replied to the show cause notice, it would be eminently desirable if the said Municipal Commissioner proceeds to take the proceedings initiated by the show cause to its logical conclusion, in accordance with law and by affording the petitioners an opportunity of hearing, within two weeks from date of receipt of a copy of this order. The final order on the proceedings shall be communicated to the petitioners as early as possible but positively within three days of the date of hearing.

5. The writ petition stands disposed of, without any order as to costs. All contentions are kept open.

(G. S. KULKARNI, J.)

(CHIEF JUSTICE)