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

WRIT PETITION NO. 4826 OF 2021

Shri Sadanand Mahabal Shetty

...Petitioner

Versus

The Commissioner, Mira Bhayander
Municipal Corporation & Anr.

...Respondents

Mr. R.D.Suryawanshi a/w. Mr. Suraj Naik for the Petitioner.
Mr. N.R.Bubna for the Respondent – Corporation.

**CORAM : A. A. SAYED &
S.G.DIGE, JJ.**

DATED : 3rd SEPTEMBER 2021

PC.:

1. Learned Counsel for the Petitioner has tendered draft amendment. The Petition being at the pre-admission stage, we allow the amendment. Amendment to be carried out within one week from today.

2. It is pointed out by learned Counsel for the Petitioner that the Suit filed by the Petitioner against the Respondents in the Civil Court has been withdrawn on 2nd September, 2021.

3. Learned Counsel for the Respondent-Corporation states that the Petitioner would be heard on the Show Cause Notice dated 13th October, 2017 and appropriate decision shall be taken after hearing the Petitioner on the Show Cause Notice.

4. In the circumstances, we dispose of the Petition by passing the following order :

ORDER

- a) The Designated Officer of the Respondent-Corporation shall hear the Petitioner and take a decision on the Show Cause Notice in accordance with law;
- b) The Petitioner is permitted to file a Reply to the Show Cause Notice annexing therewith the documents on which he relies;
- c) The Petitioner shall appear before the Designated Officer on 13th September, 2021 at 12.00 noon along with a copy of this order and appropriate directions as to hearing shall be given by the Designated Officer;

d) The decision shall be taken by the Designated Officer within a period of ten weeks from today without being influenced by the orders of the Civil Court;

e) Until the decision is taken and for a period of two weeks from the date of communication of the said decision, no coercive steps shall be taken in respect of the subject structure.

5. The Petition to stand disposed of.

6. We make it clear that we have not gone into the merits of the matter and all contentions of the Petitioner are kept open.

(S.G.DIGE, J.)

(A. A. SAYED, J.)