

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

Writ Petition No. 6773 of 2021

Prabhudayal Shyamdev Arya v/s. The Commissioner, Kalyan Dombivli Municipal Corporation & anr.		Petitioner Respondents
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Mr. Vineet Naik, Sr. Advocate with Mr. Sukand Kulkarni for the
petitioner.
Mr. A.S.Rao for respondents 1 & 2.

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

14th October 2021

P.C.

The petition is filed impugning the order dt.28.09.2021 whereby pursuant to the show-cause notice issued to the petitioner, an order has been passed directing the petitioner to demolish the structures in question within 8 days. It is stated in the impugned order that the petitioner did not attend the hearing and did not submit the requisite documents. According to the petitioner, his son was very much present, however, he was not permitted to attend the hearing.

2. Considering the narrow controversy and without going into the

factual aspect whether or not the petitioner's son was permitted to attend the hearing, in the interest of justice, we are inclined to grant an opportunity to the petitioner to answer the show-cause notice and attend the hearing pursuant to the show-cause notice.

3. We, therefore, pass the following order:

i) The impugned order dt.28.09.2021 is set aside. The matter is remitted back to the Respondent No.2-Assistant Commissioner, Ward No.9 (I). The Petitioner may file a reply to the show-cause notice. The Petitioner shall appear before the Respondent No.2 – Assistant Commissioner on 26th October 2021 at 3.00 p.m. alongwith the relevant documents.

ii) Appropriate orders be passed by the Respondent No.2 – Assistant Commissioner on that day or such other date as may be convenient.

iii) The Petition is disposed of in the aforesaid terms.

(S.G.DIGE,J)

(A.A.SAYED, J)