

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3186 OF 2022

M/s. RJ Enterprises & Anr. ... **Petitioners**
Versus
The State of Maharashtra & Anr. ... **Respondents**

Ms. Aditi S. Naikare a/w. Mr. Aniesh S. Jadhav, Advocate
for the Petitioners.

Smt. M. P. Thakur, Advocate for the Respondents.

**CORAM: S.V. GANGAPURWALA &
M. G. SEWLIKAR, JJ.**
DATED : APRIL 26, 2022

P.C.

1. The learned Counsel submits that show cause notice issued to the petitioners on the ground that the plant was erected without the permission of the Competent Authority. The petitioners were asked to explain. The petitioners filed reply on 2nd November 2021. However, without considering the reply, on 20th December 2021, the plant of the petitioners is sealed.

2. It appears that the decision on the show cause notice is not taken. The learned Counsel submits that hearing was also not accorded to the petitioners. In light of that, we pass the following order :

ORDER

- (i) The impugned order of sealing the plant of the petitioners dated 20th December 2021 is set aside.

- (ii) The Tahsildar shall consider the reply filed by the petitioner and decide the show cause notice dated 21st October 2021 afresh.
- (iii) The petitioners shall appear before the Authority on 5th May 2022 and the Tahsildar shall refer the judgments relied by the petitioners.
- (iv) The writ petition is disposed of. No costs.

(M. G. SEWLIKAR, J.)

(S.V. GANGAPURWALA, J.)

RAJU
DATTATRAYA
GAIKWAD
Digitally signed
by RAJU
DATTATRAYA
GAIKWAD
Date:
2022.04.28
12:17:25
+0530