

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

WRIT PETITION NO. 7246 OF 2022

Dr. Avimay Sohrab Hakim

....Petitioner

Versus

Lonavala Municipal Council

....Respondent

Mr. Anil Anturkar, Senior Advocate with Mr. Ankit Lohia and Mr. Sameer Panwalkar i/b. L R and Associates, Advocates for the Petitioner.
Mr. Aniruddha A. Garge, Advocate for Respondent.

**CORAM : PRASANNA B. VARALE &
SHRIKANT D. KULKARNI, JJ.**

DATE : 14th JULY, 2022.

P.C. :

1. Heard Mr. Anturkar, learned Senior Counsel appearing on behalf of the petitioner and Mr. Garge, learned counsel for the respondent.
2. Without referring to any details but considering the fact that the order was passed by respondent – Lonavla Municipal Council on 11th May, 2022, whereby the petitioner was subjected to an action of removal of the construction taking recourse to the provisions of the Maharashtra Regional and Town Planning Act, 1966 and under Section 53(1) of the said Act but the ground pressed in service is of failure to follow the principles of natural justice. By inviting our attention to the documents placed on record, it is submitted that the respondent –

Lonavala Municipal Council firstly served three notices dated 11th May, 2022 and one notice dated 17th May, 2022 to the petitioner (the copies of the said notices are annexed at Exhibit A, B, C and D) and then by communication dated 26th May, 2022(a copy of which is placed on record at page 188), informed the petitioner that the hearing in the matter is scheduled on 2nd June, 2022. These facts clearly support the grounds raised in the petition. The opportunity of hearing afforded to the petitioner was subsequent to the service of the aforesaid notices dated 11th May, 2022 and 17th May, 2022. As such, in our opinion, the aforesaid notices dated 11th May, 2022 and 17th May, 2022 issued by Lonavala Municipal Council are clearly unsustainable. We, therefore, pass the following order :

1. The impugned notices dated 11th May, 2022 and 17th May, 2022 respectively (at Exhibits A, B, C and D), issued by Lonavala Municipal Council are quashed and set-aside. The respondent – Lonavala Municipal Council is directed to hear the petitioner.
2. The petitioner may submit his detailed representation to respondent – Lonavala Municipal Council within two weeks from today. On receipt of such representation, respondent – Lonavala Municipal Council may grant further opportunity of hearing to the petitioner, if such

request is made by the petitioner and, then, pass an appropriate order as expeditiously as possible and not later than eight weeks from the date of representation submitted by the petitioner.

4. As this Court has not observed anything on merits of the petition, the requirement of filing response by respondent – Lonavala Municipal Council is dispensed with.

5. The writ petition is, accordingly, disposed of.

(SHRIKANT D. KULKARNI, J.)

(PRASANNA B. VARALE, J.)