

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

WRIT PETITION NO.13359 OF 2022

Rajesh Goplani & Anr.

.. Petitioners

v/s.

The Ulhasnagar Municipal Corporation

through Commissioner & Anr.

.. Respondents

Ms. Minal J. Chandnani a/w Mr. Bhavesh C. Sawant i/b. Jaiwant S.
Chandnani Associates for the petitioners.

Mr. Suresh M. Kamble for respondent nos.1 & 2-U.M.C.

CORAM : R.D. DHANUKA &

KAMAL KHATA, JJ.

DATED : 15TH NOVEMBER, 2022.

P.C. :

1. Rule. Mr. Kamble, the learned counsel for the respondents waive service. Rule is made returnable forthwith.
2. By this petition filed under Article 226 of the Constitution of India, the petitioner has prayed for a writ of certiorari for quashing and setting aside the notice dated 4th November, 2022 issued by respondent no.2.

3. Ms. Chandnani, the learned counsel for the petitioners states that the construction carried out by her client is authorized. Her client has already responded to the said notice dated 4th November, 2022 on 7th November, 2022 along with documents. Statement is accepted.
4. The Municipal Corporation is directed to consider the said documents and the reply filed by the petitioners and after granting personal hearing to the petitioners and pass an order on the said notice dated 4th November, 2022. The petitioner is directed to remain present before respondent no.2 on 23rd November, 2022 at 11.00 a.m.
5. Respondent no.2 shall make an endeavour to pass an order on the said notice within four weeks from the date of such hearing. The order that would be passed shall be communicated to the petitioners within one week from the date of passing order. Till such time, the order is passed by respondent no.2 and for a period of two weeks from the date of communication of the order which if adverse against the petitioners, no coercive steps shall be taken against the petitioner or the offending structure pursuant to the notice dated 4th November, 2022 or the order that would be

passed by respondent no.2.

6. The petitioners shall not carry out any construction or alteration of any nature whatsoever without prior permission of the Municipal Corporation during this period.
7. It is made clear that this Court has not expressed any views on the impugned notice issued by respondent no.2. All contentions of both the parties on merits are kept open.
8. The petitioners would be at liberty to file the written submissions on the date of hearing before respondent no.2. If the petitioners propose to rely upon any other documents, the same shall be produced at the time of hearing before respondent no.2.
9. Writ petition is disposed off in the aforesaid terms. Rule is made absolute.
10. Parties to act on the authenticated copy of this order.

(KAMAL KHATA, J.)

(R.D.DHANUKA, J.)