

vai

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

VASANT  
ANANDRAO  
IDHOL

Digitally signed by  
VASANT  
ANANDRAO IDHOL  
Date: 2022.11.18  
10:27:05 +0530

WRIT PETITION NO.13422 OF 2022

Girijashankar A. Yadav

...Petitioner

V/s.

Thane Municipal Corporation & Anr.

...Respondents

Mr.Sagar A. Joshi for the Petitioner.

Mr.N..R. Bubna for T.M.C. - the Respondent Nos.1 and 2.

**CORAM : R.D. DHANUKA &**  
**KAMAL KHATA, JJ.**  
**DATE : 16TH NOVEMBER, 2022.**

**P.C. :-**

1. Rule. Mr.Bubna waives service for the respondent nos.1 and 2. Rule is made returnable forthwith.
2. By this petition filed under Article 226 of the Constitution of India, the petitioner seeks a writ of mandamus directing the respondents not to take any coercive action with respect to the cattle shed as mentioned in the notice dated 4<sup>th</sup> November, 2022 issued under section 260, (1), (1A) and (2) of the Maharashtra Municipal Corporation Act giving 15days show cause notice.
3. Learned counsel for the petitioner states that his client would file a reply to the aforesaid notice dated 4<sup>th</sup> November, 2022

within 10 days from today along with the documents and to oppose the said notice issued by the Municipal Corporation. Statement is accepted. It is made clear that no further extension of time would be granted.

4. The respondent no.2 would pass an order on the said notice after hearing the petitioner and after considering the reply that would be filed along with the documents in accordance with law within four weeks from the date of granting personal hearing to the petitioner. The order that would be passed by the respondent no.2 would be communicated to the petitioner within one week from the date of passing of such order. The respondent no.2 shall not take any coercive action against the petitioner or the offending structure to implement the said notice dated 4<sup>th</sup> November, 2022 or the order that would be passed by the respondent no.2 till the date of passing order and for a period of three weeks from the date of communication of the order if the same is adverse against the petitioner. During the said period, the petitioner shall not carry out any construction or alternation without obtaining any prior permission from the Municipal Corporation.

5. It is made clear that this Court has not expressed any views on the merits of the said notice dated 4<sup>th</sup> November, 2022 or the contentions raised by the petitioner in this petition. All the

contentions of both the parties are kept open.

6. The writ petition is disposed of in aforesaid terms. Rule is made absolute accordingly. There shall be no order as to costs. Parties to act on the authenticated copy of this order.

**(KAMAL KHATA, J.)**

**(R.D. DHANUKA, J.)**