

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****CIVIL REVISION APPLICATION NO.498 OF 2022**

Shiv Mohan M Shukla

.. Applicant

Versus

Ulhasnagar Municipal Corporation through its
Commissioner

.. Respondent

.....

- Mr. Monish Bhatia a/w. Ms. Vaibhavi Parchake for Applicant
- Mr. Kamble Advocate for Respondent
- Mr. Tushar R. Sonawane, Assistant Commissioner Ward Committee No.2

.....

CORAM : MILIND N. JADHAV, J.**DATE : DECEMBER 19, 2022.****P.C.:**

1. On 05.12.2022, this Court passed the following order:-

“1. Heard Mr. Bhatia, learned Advocate for Applicant and Mr. Kamble, learned Advocate for Respondent.

2. Mr. Bhatia, learned Advocate for Applicant makes a positive assertion that in view of the averments made in paragraph 6 of the Application, the statutory notice was issued to the Applicant under Maharashtra Act No. IX of 2006, an Act to regularize unauthorized developments in the city of Ulhasnagar and for matters connected therewith or incidental thereto. He submitted that copy of the notice is annexed at Exh. F to the Application.

3. Mr. Kamble, learned Advocate for Respondent submitted that the affidavit-in-reply has been handed over to the learned Advocate for Applicant. Let the affidavit be filed in the registry. Rejoinder, if any, be filed on or before the next date.

4. Mr. Bhatia further submitted that pursuant to the statutory notice, Applicant was not heard nor informed about the date of rejection of his Application. Mr. Kamble submitted that by order dated 28.11.2022, Application for regularization filed by the Applicant has been rejected. The said order is annexed at running page 68 of the Application.

5. Applicant to take instructions and make further submissions on the next date. If it is found that the Applicant has not been heard by the designated Authority under the said Act, appropriate directions will be passed on the next date.

6. In the meantime, statement made on behalf of Respondent No. 1

shall stand continued till the next date.

7. *Stand over to 12th December, 2022.”*

2. The affidavit-in-reply of Respondent - Corporation dated 03.12.2022 filed by the Assistant Commissioner of the Corporation - Tushar R. Sonawane, Ward Committee Member, who is present in the Court today is perused. It reveals that admittedly Applicant was not heard or given hearing in respect of statutory notice issued under Section 3(2) of Maharashtra Act (IX) of 2006.

3. Mr. Bhatia submitted that Applicant be allowed to file additional compilation of documents in support of Applicant's case before the competent authority.

4. Mr. Kamble informed that the Designated Authority under the said Act is the Commissioner. The Applicant is permitted to file Affidavit-in-Reply to the statutory notice dated 04/05/2006 issued under Section 3(2) (Exh. F to the Application) compilation of documents / written submissions / authorities sought to be referred to and relied upon before the Designated Authority within a period of three weeks from today.

5. Commissioner of Respondent-Corporation is directed to hear the Applicant and thereafter pass a reasoned order strictly in accordance with law.

6. In the meanwhile, parties are directed to maintain *status quo*.

7. Needless to state that in the event if the order passed by the

Designated Authority is against the Applicant, the same shall be held in abeyance for a further period of two weeks thereafter to enable the Applicant to prosecute appropriate remedy.

8. With the above directions, CRA is disposed.

[MILIND N. JADHAV, J.]

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signed by
RAVINDRA
MOHAN
AMBERKAR
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