

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

WRIT PETITION NO.14435 OF 2022

Shivneri Hospital & Anr. ... Petitioners

Vs.

Ulhasnagar Municipal Corporation & Ors. ... Respondents

Mr. Girish Paryani i/by A & G Legal Associates LLP for the Petitioners.

Mr. Suresh Kamble for Respondent Nos.1 and 2.

**CORAM : S.V. GANGAPURWALA &
ARIF S. DOCTOR, JJ.**

DATED : 30TH NOVEMBER 2022

PC. :

1. At the request of learned Advocate for the Petitioners, leave is granted to amend the Writ Petition and assail the notice dated 23/11/2022.

2. It is the grievance of the Petitioners that without issuing any show-cause notices, the impugned notices/orders dated 15/03/2022, 01/07/2022 and 23/11/2022 have been served upon the Petitioners calling upon them to remove their structures, which are stated to be obstructing the road widening work and laying of C. C. Pavement and constructing Nallah undertaken by the Respondents-Corporation.

3. Inasmuch as the Petitioners have not been issued show-cause notices prior to the impugned notices/orders dated 15/03/2022, 01/07/2022 and 23/11/2022, we dispose of the Writ Petition by passing the following order :-

ORDER

- (i) The impugned notices/orders dated 15/03/2022, 01/07/2022 and 23/11/2022 shall be treated only as show-cause notices.
- (ii) The Petitioners shall file a reply to the said show-cause notices dated 15/03/2022, 01/07/2022 and 23/11/2022 within a period of two weeks from today.
- (iii) The Respondents-Corporation shall take a decision on the said show-cause notices after hearing the Petitioners.
- (iv) Until the decision is taken on the show-cause notices by the Respondents-Corporation, no coercive steps shall be taken against the structures of the Petitioners. If the decision is adverse to the Petitioners, no coercive steps shall be taken for a further period of

three weeks from the date of receipt of the decision
by the Petitioners.

4. The Writ Petition stands disposed of in the above terms. No costs.

(ARIF S. DOCTOR, J.)

(S.V. GANGAPURWALA, J.)