

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION NO.3433 OF 2022

Sahakar Sevasangh & Ors.

.. Petitioners

v/s.

The Municipal of Greater Mumbai

& Anr.

.. Respondents

Mr. V. R. Tripathi, for the petitioners.

Ms. Madhuri More i/by Mr. Sunil Sonawane, for respondent Nos.1 and 2
MCGM.

CORAM : R.D. DHANUKA &

KAMAL KHATA, JJ.

DATED : 17TH AUGUST, 2022.

P.C. :

1. This writ petition filed under Article 226 of the Constitution of India, Petitioners seek a writ of certiorari for quashing and setting aside the impugned notice dated 12th May 2022 and Public notice dated 13th June 2022.
2. The Petitioners were granted approval in the month of April-2007 to construct P.S.C. Blocks. The said permission was granted

and the Municipal land was leased to the Petitioner for a period of 10 years. It is the case of the Petitioners that after expiry of 10 years, Petitioners applied for extension of the permission. Petitioners have already spent substantial amount for the construction of said “Sahakar Shauchalaya”.

3. The Municipal Corporation has not granted any personal hearing but instead issued notice dated 12th May 2022 calling upon the petitioners to hand over the possession of the said Sahakar Shauchalaya and issued a Public Notice for the development of the said Sahakar Shouchalaya to other party. According to the learned counsel for the Petitioners, the said Public Notice was withdrawn by the Municipal Corporation in view of the Petitioners having filed this writ petition. Statement is accepted.
4. Since the impugned order is passed without following due process of law, we are quashing and setting aside the order dated 12th May 2022 and the Public Notice dated 13th June 2022 and direct the Respondent No.2 to grant personal hearing to the Petitioners and pass a fresh order in accordance with law without being influenced by the observations made and the conclusion drawn in the said order dated 12th May 2022. The orders shall be passed not later than 8 weeks from the date of personal hearing.

5. Petitioners are directed to remain present before Respondent No.2 on 25th August, 2022 at 11:00 a.m. without fail. The order that will be passed by Respondent No.2 shall be communicated to the Petitioner within one week from the date of passing of the order. The Respondents shall not take any coercive steps against the petitioner in respect of Sahakar Shauchalaya allotted to the Petitioners during the pendency of the proceeding before the Respondent No.2 and for a period of two weeks from the date of communication of the order, if same is adverse against the Petitioner.
6. It is made clear that this Court has not expressed any views on the merits and entitlement of the Petitioners, if any, for extension of time to continue the permission for use of the Sahakar Shauchalaya. All contentions of the parties are kept open.
7. Writ petition is disposed off in aforesaid terms. No order as to costs.
8. Parties to act on authenticated copy of this order.

(KAMAL KHATA, J.)

(R.D.DHANUKA, J.)