

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

WRIT PETITION NO. 446 OF 2023

Jashwant Chaniya Shingada

... Petitioner

Versus

The Union Territory of Dadra and
Nagar Haveli and Daman & Diu & Ors.

... Respondents

WITH

WRIT PETITION NO. 449 OF 2023

Chhaganbhai S. Mahala

... Petitioner

Versus

The Union Territory of Dadra and
Nagar Haveli and Daman & Diu & Ors.

... Respondents

Mr. Balkrishna Joshi a/w Virendra Pethe for the Petitioner.

Mr. H.S. Venegavkar a/w Aayush Kedia for the Respondents.

**CORAM: R. D. DHANUKA AND
M.M.SATHAYE JJ.**

DATE : 30th JANUARY, 2023

PC. :-

1. Rule. Mr. Venegavkar, learned counsel waives service for Respondents. Rule made returnable forthwith. Heard finally by consent of the parties.

2. By Writ Petition No. 449 of 2023, filed under Article 226 of the Constitution of the India, Petitioner is seeking writ of certiorari

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for quashing and setting aside notice dated 23rd December 2022, issued by Respondent No. 3 under Section 23(1) of Dadra and Nagar Haveli and Daman & Diu Panchayat Regulation, 2012 (hereinafter referred to as “the said Act”). In Writ Petition No. 446 of 2023, filed under Article 226 of the Constitution of the India, the Petitioner has impugned notice dated 23rd December 2022 under the said Act. Learned counsel for the Petitioner states that, Petitioners in both these Petitions have already filed reply to the impugned notices and agree to appear before Respondent No. 3 without prejudice to their right and contentions. Statement is accepted.

3. The Petitioners in both Writ Petitions to remain present before Respondent No. 3 on 15th February 2023 at 11.00 a.m. Respondent No. 3 shall decide the show cause notice after considering the reply already filed by the Petitioners and after considering oral arguments and documents if any produced by the Petitioners and shall pass an order within four weeks from the date of hearing. Petitioners are at liberty to appear before Respondent No. 3 through an advocate.

4. The order that would be passed by Respondent No. 3 shall be

communicated to the Petitioners within one week from the date of passing such order. If Respondent No. 3 after considering the arguments and the reply submitted is satisfied in favour of the Petitioners, Show cause notices shall be dropped.

5. If any adverse order is passed against the Petitioners, no coercive steps shall be taken to implement the said adverse order against the Petitioner for the period of six weeks from the date of communication of such order. The Petitioner in that event may file Appeal under Section 23(1) of Dadra and Nagar Haveli and Daman & Diu Panchayat Regulation, 2012 within the time prescribed. The Respondents shall not take any coercive steps against the Petitioners also during the pendency of the proceedings before Respondent No. 3.

6. The Petitioners would be at liberty to apply for continuation of stay before the Appellate Authority. The Petitioners shall not apply for unnecessary adjournment on the date of hearing and shall co-operate with Respondent No. 3 in disposal of the proceedings, expeditiously.

7. It is made clear that this Court has not expressed any opinion on the maintainability of such show cause notices or on merits of the reply submitted by the Petitioners. All contentions of both the parties are kept open.

8. Both the Writ Petitions are disposed of. Rule is made absolute in the aforesaid terms. No order as to costs.

9. All concerned to act on an authenticated copy of this order.

[M.M.SATHAYE,J.]

[R. D. DHANUKA, J.]