

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

WRIT PETITION NO. 3907 OF 2023

Mira Bhayander Two Wheeler Mechanic
Aani Garage Malak Sanghatana
through Treasurer ... Petitioner
Versus
Mira Bhayander Municipal Corporation & Anr. ... Respondents

Mr. Sham Walve a/w Mr. Tanzil Padvekar and Mr. Tejal Kharkar i/by
Shahood Anwar Naqvi for the Petitioner.
Mr. Narayan Bubna for the Respondent No.1.
Mr. A. I. Patel, Addl. G. P a/w Ms. R. M. Shinde, AGP for the State-
Respondent No.2.

**CORAM: G. S. KULKARNI &
R. N. LADDHA, JJ.**

DATE : 2nd MAY, 2023

PC. :-

- . We have heard learned counsel for the parties.
2. This petition has been filed praying for the following reliefs:

“(a) This Hon'ble Court be pleased to issue a writ of mandamus or any other appropriate writ or order or direction in the nature of Writ of Mandamus against the Respondent No. 1 and to set aside and quash the illegal and arbitrary levying of the cumbersome and hefty Yearly License Renewal Charges of Rs10,000/- (Rupees Ten Thousand);

(b) This Hon'ble Court be pleased to quash and set aside the Proposal No. 100 vide Resolution No. 98 in terms of para (6) of the Minutes of the Meeting held on 26/02/2018 & Resolution Passed in Special Meeting held on 28/03/2018.

(c) This Hon'ble Court be pleased to issue a writ of Mandamus or any other appropriate writ or order or direction in the nature of Writ of Mandamus against the Respondent No.1 and to quash and set aside the Notice JA. KRA. MANPA/PARVANA/PR.KR.05/1415/2022-23 dated 20/01/2023 r/w. Notice No.Ja. Kra. MANA/PARVANA/001/2021-2022 dtd.25/01/22 issued by Asst. Commissioner (License/Pra. Kra. 05), Mira Bhainder Municipal Corporation;

(d) This Hon'ble Court be pleased to issue a writ of mandamus or any other appropriate writ or order and direct the Respondent to restore the erstwhile charges for renewal of License for two-wheeler Mechanics Garages Operator, Washing Center, Service Centre, and to declare null and void the Resolution and consequent Notice/ Notices.

(e) This Hon'ble Court be pleased to issue a writ of Ivan Prohibition or any other appropriate order whereby the demand notice Notice/JA. KRA. MANPA/PARVANA/PR.KR.05/1415/2022-23 dated 20/01/2023 issued by Asst. Commissioner (License/Pra. Kra. 05), Mira Bhainder Municipal Corporation for payment of exorbitant amount of renewal charges shall not be acted upon by the MBMC as the said demand notice thus issued, suffers from violation of provisions of natural justice as no opportunity to be heard was been given to the affected parties, as to their grievances and difficulties.

(f) Interim and ad-interim in terms of prayer (e) above;

(g) Costs of the present Petition;

(h) Such further and other reliefs as this Hon. Court may deem fit in the facts and circumstances of present case."

3. Mr. Walve, learned counsel for the petitioner states that already representations are submitted to the Municipal Corporation and last of such representation as made by the petitioner is dated 23 January 2022 requesting the Municipal Corporation to reconsider and modify the policy of two wheeler licence charges of levying Rs.10,000/- as per the Proposal No.100, Resolution No.98 of the Municipal Corporation, in regard to the Two Wheeler Garages.

4. Considering the complexion of the proceedings, we are of the opinion that it would be appropriate that the Municipal Corporation

decides the representation as made by the petitioner as expeditiously as possible, after granting an opportunity of hearing to the representatives of the petitioner.

5. The petition is accordingly disposed of, directing the Municipal Corporation to decide the representation of the petitioner as expeditiously as possible and in any event within a period of two weeks from today. Let such decision be taken in accordance with law and the same be communicated to the petitioner.

6. Needless to observe, till the decision is taken, no coercive action be taken by the Municipal Corporation till the communication of the decision on the representation.

7. All contentions of the parties are kept expressly open.

8. No costs.

[R. N. LADDHA, J.]

[G. S. KULKARNI, J.]

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