

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

WRIT PETITION NO.7210 OF 2023

Parmanand Kukreja

.. Petitioner

Versus

Ulhasnagar Municipal Corporation,

Through its Commissioner & Ors.

.. Respondents

Mr. Mandar Limaye a/w Mr. Girish Paryani i/by A & G Legal Associates
LLP for the Petitioner.

Mr. Vijay Patil for Respondent Nos.1 and 2.

Ms. Minal Chandani for Respondent No.3.

**CORAM : SUNIL B.SHUKRE &
JITENDRA JAIN, JJ.**

DATE : 16th June 2023

P.C.:-

1. Heard.

2. Rule.

3. Rule is made returnable forthwith. With the consent of the parties, the petition is taken up for final disposal at the stage of admission.

4. We find that there is submission made in Public Interest Litigation No. 77 of 2023 (see orders dated 18th April 2023 & 3rd May 2023) to the effect that the Occupation Certificate has been cancelled, much less without issuing any notice. It is well settled that the Occupation Certificate once granted cannot be cancelled without giving notice and sufficient opportunity of hearing to occupiers but this well settled principle of law has not been followed in the present case. There is of course, a notice dated 15th May 2023 (page 24) issued by respondent

nos.1 and 2 to the petitioner calling upon him to explain the violations made by him. But this notice having been issued after cancellation of Occupation Certificate cannot substitute the requirement of law which is of issuance of prior notice and giving sufficient opportunity of hearing to occupiers.

5. In view of above, we find that the impugned cancellation order dated 21st April 2023 is illegal and accordingly it is quashed and set aside. The matter is remanded to the respondent nos.1 and 2 for deciding the issue afresh.

6. We direct the petitioner to submit his reply to the notice dated 15th May 2023 within two weeks from the date of the order. We further direct the respondent nos.1 and 2 to decide the issue in accordance with law within eight weeks from the date of the receipt of the reply of the petitioner.

7. The respondent nos.1 and 2 shall grant an opportunity of hearing to the respondent no.3 before final disposal. The entire exercise shall be completed within eight weeks from the date of receipt of the reply of the petitioner.

8. Rule is made absolute in above terms. No order as to costs.

JITENDRA JAIN, J.

SUNIL B.SHUKRE, J.