



Pradnya

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 7193 OF 2024

Anil Sopanrao Gaikwad

...Petitioner

Versus

The State of Maharashtra and ors.

...Respondents

Mr. Suryajeet P. Chavan, *for the Petitioner.*

Mr. A. A. Alaspurkar, AGP, *for the Respondent-State.*

Mr. Abhijit Kulkarni, *a/w Mr. Krushna Jaybhay, for Respondent
No.4-PMC.*

CORAM M.S. Sonak &
Kamal Khata, JJ.
DATED: 18th July 2024

PC:-

1. Heard learned counsel for the parties.
2. This Petition challenges notice dated 14th March 2024 issued by Pune Municipal Corporation under Section 260(1A) of the Maharashtra Municipal Corporation Act, 1949 ("MMC Act").
3. Section 260 (1A) of the MMC Act reads as follows :-

"Section 260 (1A)

If the erection of any building or the execution of any such work as is described in section 254 is commenced or carried out contrary to the provisions of the rules or bye-laws,

[the Designated Officer] unless he deems it necessary to take proceedings in respect of such building or work under section 264, shall -

(a) by written notice, require the person who is erecting such building or executing such work or has erected such building or executed such work on or before such day as shall be specified in such notice, by a statement in writing subscribed by him or by an agent duly authorised by him in that behalf and addressed to [the Designated Officer], to show sufficient cause why such building or work shall not be removed, altered or pulled down, or

(b) shall require the said person on such day and at such time and place as shall be specified in such notice to attend personally or by an agent duly authorised by him in that behalf, and shows sufficient cause why such building or work shall not be removed, altered or pulled down.”

4. Thus, it is clear that only a show cause notice has been issued to the Petitioner for which the Petitioner has already filed his reply. There is not even an allegation that such notice without jurisdiction or that the Designated Officer had no authority to issue such a show cause notice. In these circumstances, there was no justification whatsoever for instituting this Petition. This Petition is quite misconceived and is hereby dismissed.

(Kamal Khata, J)

(M.S. Sonak, J)