

Ashwini

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 8496 OF 2024

Don Bosco High School Through Its Authorised ...Petitioner
Rajendra Khicha
Versus
The Assistant Commissioner / Designated ...Respondents
Officer & Ors

Mr Tushar Sonawane, *for the Petitioner.*
Mr NR Bubna, *for the Respondent-BMC.*
Mr AA Alaspurkar, AGP, *for the Respondent-State.*

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

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PC:-

1. Heard learned Counsel for the parties.
2. The challenge in this Petition is to the order dated 6th June 2024 by which the Mira-Bhayander Municipal Corporation ("Corporation") has withdrawn the permission it had earlier granted to the Petitioner for putting up a weather shed.
3. Pursuant to the permission granted by the Corporation, the Petitioner has already put up the weather shed.

4. The impugned order has been made on a complaint by the society. In this Petition, however, the Petitioner has not bothered to implead the society as a Respondent even though urgent ad-interim reliefs have been applied for. This cannot be appreciated.

5. The learned Counsel for the Petitioner now seeks leave to implead the society as a party Respondent. Leave is granted. Amendment to be carried out forthwith. Reverification is dispensed with.

6. Issue notice to the Society, newly added Respondent, returnable on 25th June 2024.

7. The Petitioner must take immediate steps to serve the society by paying processing fees. In addition to the usual mode of service, private service/hamdast is also allowed.

8. Admittedly the Petitioner was not heard by the Corporation before the impugned order was made. Until the next date and subject to the Petitioner taking immediate steps to serve the society, we restrain the Corporation from implementing its order dated 6th June 2024.

9. List the matter on 25th June 2024.

(Kamal Khata, J)

(M. S. Sonak, J)