

3. Mr Patil the learned counsel for the Petitioner states that Respondent No. 5 has been duly served through courier.

4. The record indicates that the Petitioner was granted permission by the Mira Bhayander Municipal Corporation to put up a weather shed. Accordingly, based on this permission, the Petitioner has put up the weather shed.

5. However, by impugned communication dated 6th June 2024, the Corporation has revoked its earlier permission based entirely on a complaint made by the 5th Respondent Society. Admittedly, no opportunity of hearing was granted to the Petitioner before the impugned communication was issued.

6. The impugned communication visits the Petitioner with serious civil consequences. Based upon a complaint by 5th Respondent Society and without such complaint even being served upon the Petitioner, such a drastic action could not have been taken by the Corporation. Since the impugned communication violates the principles of natural justice and fair play, we set aside the same. However, we direct the Mira Bhayander Municipal Corporation to hear the Petitioner and the 5th Respondent Society and upon hearing both the parties, take a fresh decision in the matter. In case, the decision is adverse to the interest of the Petitioner, then, the same should not be given effect to for two weeks from the date of its communication.

7. The Mira Bhayander Municipal Corporation should complete the above exercise within four weeks from today, i.e., on or before 24th July 2024 so that neither the Petitioner nor the 5th Respondent Society are unduly prejudiced in the matter.

8. Petition is disposed of in above terms. There shall be no orders as to costs.

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

(Kamal Khata, J)

(M.S. Sonak, J)