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

WRIT PETITION NO.5053 OF 2025

Easkiammal S. Konar ... Petitioner

V/s.

The Municipal Corporation of
Greater Mumbai & Ors. ... Respondents

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WITH

WRIT PETITION NO.5054 OF 2025

Ramakrishnan Subbiah Konar ... Petitioner

V/s.

The Municipal Corporation of
Greater Mumbai & Ors. ... Respondents

WITH

WRIT PETITION NO.5056 OF 2025

Kuldeep S. Yadav ... Petitioner

V/s.

The Municipal Corporation of
Greater Mumbai & Ors. ... Respondents

WITH

WRIT PETITION NO.5066 OF 2025

Perumal Subbiah Konar ... Petitioner

V/s.

The Municipal Corporation of
Greater Mumbai & Ors. ... Respondents

WITH

WRIT PETITION NO.5067 OF 2025

Rajak Biran Chali ... Petitioner

V/s.

The Municipal Corporation of
Greater Mumbai & Ors. ... Respondents

**WITH
WRIT PETITION NO.5068 OF 2025**

Parvathi Perumal Konar	... Petitioner
V/s.	
The Municipal Corporation of Greater Mumbai & Ors.	... Respondents

**WITH
WRIT PETITION NO.5077 OF 2025**

Vijayalaxmi Ramakrishnan Konar through Poa Ramkrishnan Konar	... Petitioner
V/s.	
The Municipal Corporation of Greater Mumbai & Ors.	... Respondents

**WITH
WRIT PETITION NO.5078 OF 2025**

S. Balamurugan Konar	... Petitioner
V/s.	
The Municipal Corporation of Greater Mumbai & Ors.	... Respondents

**WITH
WRIT PETITION NO.5079 OF 2025**

Santhanam Narayan Konar	... Petitioner
V/s.	
The Municipal Corporation of Greater Mumbai & Ors.	... Respondents

Mr. Girish S. Godbole, Senior Advocate with Mr. Rahul S. Kulkarni for the petitioner in all WPs.

Mr. Chaitanya Chavan with Mr. R.Y. Sirsikar for the respondents-MCGM in WP/5053/2025.

Mr. R.Y. Sirsikar with Mr. Santosh Parad for the respondents-MCGM in all WPs.

Dr. Khade, Medical Officer (Health), K/West Ward, MCGM, is present in Court.

CORAM : AMIT BORKAR, J.

DATED : MAY 9, 2025

P.C.:

1. The present writ petitions have been filed by the petitioners challenging the legality and correctness of the order dated 5th March 2025 passed by the learned Additional Chief Judge, Small Causes Court, Mumbai. By the said order, the learned Judge has confirmed the earlier order dated 20th September 2024 issued by the Medical Officer (Health), K/West Ward, Municipal Corporation of Greater Mumbai (MCGM), whereby the petitioners' trade license was cancelled. The said action was purportedly taken in exercise of powers under Section 394 of the *Mumbai Municipal Corporation Act, 1888* ("MMC Act").

2. Upon a bare reading of the impugned order, it is apparent on the face of the record that although the Municipal Authorities have relied on Section 394 of the MMC Act, the actual order refers to the breach of license conditions as contemplated under Section 479(3) of the said Act. Thus, the impugned order appears to have been passed invoking powers under Section 479(3) rather than Section 394.

3. It is an admitted position that no show-cause notice was served upon the petitioners before cancelling their license, nor was any opportunity of hearing afforded to them.

4. In view of the above, and upon being confronted with the legal infirmities in the impugned action, the learned Advocate appearing for the respondents—MCGM—upon instructions from Dr. Khade, Medical Officer (Health), has made a statement before this Court that the impugned order dated 20th September 2024 is hereby withdrawn.

5. It is further submitted on behalf of the respondents that fresh show-cause notices will be issued to the petitioners in respect of the alleged breach of license conditions, and that any further action shall be taken strictly in accordance with law.

6. In view of the aforesaid statement made on behalf of the respondents, and since the impugned order has been withdrawn, no further adjudication is required in these writ petitions, and the same stand disposed of accordingly.

7. It is made clear, however, that the disposal of these writ petitions shall not come in the way of the respondents taking appropriate action, if warranted by law, under the provisions of the MMC Act. However, such action must be preceded by due process, including issuance of show-cause notice and affording of an opportunity of hearing, especially where any civil rights of the petitioners are likely to be affected.

8. It is further clarified that, as a consequence of the withdrawal of the cancellation order, the position as it existed prior to the cancellation of the license shall stand restored.

(AMIT BORKAR, J.)