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

#### WRIT PETITION (ST) NO.671 OF 2021

Khushbhoo Ali Khan and Ors.	}	Petitioners
versus		
State of Maharashtra and ors.	}	Respondents

Mr.Ashutosh M.Kulkarni i/b.Mr.Sarthak Diwan for the petitioners.

Mr.N.R.Bubna for the respondents.

## CORAM :-DIPANKAR DATTA, CJ & G. S. KULKARNI, J.

#### **DATE :- JANUARY 11, 2021**

**PC** :-

**1.** A notice issued by the Municipal Corporation, Thane dated 8<sup>th</sup> January 2021 is under challenge in this petition. By such notice, the Office Superintendent-cum-Designated Officer of the Municipal Corporation, Thane has called upon the petitioners to remove an unauthorized construction within 24 hours, failing which, action shall be taken for such removal by the Municipal Corporation.

**2.** Mr.Bubna, learned advocate for the Municipal Corporation makes a statement that the notice shall not be given effect to till 31<sup>st</sup> January, 2021 and that in the

meanwhile, the Designated Officer of the Municipal Corporation may be granted liberty to decide any objection that the petitioner might wish to lodge in the meanwhile.

**3.** The statement of Mr.Bubna is recorded.

4. We dispose of this writ petition by granting liberty to the petitioner to object to the impugned notice within 7 (seven) days from date. Thereafter, the Designated Officer shall afford the petitioner an opportunity of hearing and proceed to pass a reasoned order while disposing of his objection. Once such final order is received by the petitioner, he shall be at liberty to pursue his remedy in accordance with law.

**5.** None of the points raised by the petitioner in the writ petition has been examined by us on merits and all such points are left open for being raised in the objection to the impugned notice.

**6.** There shall be no order for costs.

# (G. S. KULKARNI, J.)

(CHIEF JUSTICE)