

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Writ Petition No.1717 of 2011
(Nandlal N. Shugwani and anr. vs. Municipal Council, Wani)

Office Memoranda appearances, directions orders.	Notes, of Court's orders and	Office Coram, or Registrar's orders.	Court's or Judge's orders
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Coram: D. D. Sinha and
A. P. Bhangale, JJ.

Date : 30/04/2011.

Heard Mr.V.R.Mundra, Adv. for the petitioners and Mr.M.I.Dhatrak, Adv. for the respondent.

This petition is directed against the communication dt.30.3.2011 issued by the Chief Officer, Municipal Council, Wani whereby the petitioner is informed that, in view of the complaint of citizens received from the locality, No Objection certificate granted to the petitioner to run the eating house is cancelled. Counsel for the petitioner has challenged the impugned order/communication on the ground that the said action is violative of the principles of natural justice and therefore, cannot be sustained in law.

Mr.M.I.Dhatrak, Adv. for the

respondent/Municipal Council, on instructions, has submitted that the Authorities shall grant hearing to the petitioner and decide the issue afresh within a period of 15 days from today. The petitioner undertakes to appear before the Chief Officer on 4th May, 2011.

On the backdrop of the above referred facts, it is not necessary for us to adjudicate in respect of validity of cancellation of No-Objection Certificate by the Chief Officer, Municipal Council, Wani and it is for the Chief Officer to re-consider the issue afresh and take a decision after following the principles of natural justice. However, it is made clear that the impugned communication shall not come in the way of re-consideration of the issue by the Chief Officer, Municipal Council, Wani.

With these observations, the Writ Petition is disposed of.

Copy of this order duly authenticated be supplied to the learned Counsel for the respective parties.

JUDGE

JUDGE