

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION NO.793 OF 2011

Bombay Nursing Home Association & Ors. .. Petitioners
V/s

Municipal Corporation of Brihan Mumbai & Ors. .. Respondents

Mr.V.A.Thorat, Senior Advocate with Ms.Prachi Tatke, Mr.S.Ghosh and
Ms.Deeksha Dadwal i/by Hariani & Co. for the petitioners.
Ms.Priti Purandare for the Municipal Corporation.

**CORAM: D.K.DESHMUKH &
R.G.KETKAR, JJ.**

DATE: 14th June, 2011

P.C:

1. By this petition, the petitioner has challenged the Circulars issued by the Corporation which are referred in prayer clause (a) of the petition. The petitioner has also challenged the Demand Notices issued by the Corporation.
2. Learned counsel for the Municipal Corporation has stated before us that the Corporation will put the Demand Notices which are challenged in the petition in abeyance and that the Corporation is willing to hear the petitioner on all aspects before taking any final decision in relation to the subject matter of the Demand Notices/Circulars mentioned in prayer clause (a) of the petition. In view of this statement, in our opinion, it would be in the interest of justice to dispose of the petition in the following terms:-

- 1) Petitioner to make representation to the Municipal Corporation within a period of two weeks from today in relation to the subject matter of the Demand Notices/ Circulars which are referred to in prayer clause (a) of the petition and the Circular dated 07.05.2011 issued by the Corporation, copy of which is taken on record and marked "X" for identification.
- 2) The Municipal Commissioner or the officer nominated by him shall hear the petitioner and make a speaking order in relation to the Demand Notices/ Circulars which are referred to in prayer clause (a) of the petition and the Circular dated 07.05.2011 issued by the Corporation.
- 3) Applications for renewal of the registration of the petitioners maternity and nursing homes shall be considered by the Corporation in accordance with law and if the petitioners are otherwise entitled for renewal, the registration shall be renewed independently of the Demand Notices/Circulars which are referred to in prayer clause (a) of the petition and the Circular dated 07.05.2011 issued by the Corporation. However, said renewal shall be subject to the order that the Commissioner or his nominee may make pursuant to this order.
- 4) The Demand Notices/Circulars which are referred to in prayer clause (a) of the petition and the Circular dated 07.05.2011 issued by the

Corporation shall remain in abeyance till the Commissioner or his nominee makes an order and for a period of four weeks thereafter if the order is adverse to the petitioners.

3. Petition is disposed of.

(R.G.KETKAR, J.)

(D.K.DESHMUKH, J.)