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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.10921 OF 2013

Mr.Jayant Lunawat & Anr. ...Petitioners

vs.

The State of Maharashtra & Ors. ...Respondents

Mr.Girish Godbole and Mr.Saket Mone i/b M/s.Vidhi
Partners for the Petitioners
Mr.A.B.Vagyani, Addl.G.P. for the respondent No.1
Mr.Rajdeep Suresh Khadapkar for respondent Nos.2 to
4
Mr.S.S.Patwardhan i/b Mr.Rajesh Arvind More for
respondent No.5

CORAM : A.S.OKA, &
S.C.GUPTA, JJ.
DATE : DECEMBER 24,2013

P.C.:

1 Heard the learned counsel for the petitioners and the learned counsel for the respondent Nos.2 to 4. We have also heard the learned counsel for the respondent No.5. If according to the petitioners, they are the owners of the property in question and if the respondent No.5 wants to construct on the said property on the basis of the sanctioned plan, the remedy of the petitioners is before the Civil Court. The learned counsel for the petitioners submitted that they have made representations to the Municipal Corporation dated 26th August 2013, 23rd September 2013 and 25th September 2013 contending that the permission has been obtained by the respondent No.5 fraudulently and by suppressing

the material facts. He submits that no decision has been taken on the said representations. The learned counsel for the Municipal Corporation pointed out that a reply has been submitted by the respondent No.5 to the representation dated 26th August 2013 made by the petitioners and a copy of the said reply has been forwarded to the petitioners on 19th September 2013.

2 In view of what we have stated above, this petition need not be kept pending and the same is disposed of by passing the following order:

- (I) We keep open the remedy of the petitioners to approach the Civil Court for appropriate relief;
- (II) We direct the Municipal Corporation of City of Pune to consider the representations dated 26th August 2013, 23rd September 2013 and 25th September 2013 (Exhibit-0 collectively to the petition) and to pass appropriate order thereon in accordance with law;
- (III) We make it clear that the Officer who is competent to decide the said representations shall pass an order after giving an opportunity of being heard to the petitioners, the respondent No.5 as well as all other affected parties;
- (IV) Appropriate decision shall be taken on the said representations within a period of three months from today;
- (V) All contentions on merits are kept open;

(VI) Petition is disposed of on above terms.

(S.C.GUPTE,J.)

(A.S.OKA,J.)