

IN THE HIGH COURT OF JUDICATURE OF BOMBAY  
BENCH AT AURANGABAD

WRIT PETITION NO.105 OF 2015

Smt. Meera W/o Subhash Hazari

Petitioner

Versus

The State of Maharashtra and others

Respondents

Mr. Atul Karad advocate h/f

Mr. G.N. Kulkarni advocate for the petitioner

Mr. G.R.Ingole, AGP for Respondent State

Mr. Ajay Deshpande, advocate for respondent No.2 to 4

Mr. Umakant Patil advocate for respondent No.5

CORAM : R.M. BORDE &  
N.W.SAMBRE, JJ

Dated : 17<sup>th</sup> February, 2015.

PER COURT :-

1 An affidavit in reply has been presented on behalf of respondents, wherein, it is stated that the challenge raised by the petitioner in the instant petition is premature. A mere show cause notice is not susceptible to challenge before the High Court in exercise of the jurisdiction under article 226 of the Constitution of India. It would be open for the petitioner to submit his reply to the communication in question giving details as to why the allotment of plot in question and agreement thereof should not be cancelled and why the said piece of land should not be taken in possession by the Cidco.

2 If the petitioner offers such an explanation, it would be open for the Cidco to consider the case of the petitioner even on putting certain terms such as imposition of penalty. In the facts of the case, it would be open for the petitioner to approach Cidco authorities and tender appropriate explanation. If the petitioner approaches Cidco authority and tenders explanation within a period of six weeks from today, respondent Nos.2 to 4 shall take appropriate decision as expeditiously as possible and preferably within a period of 8 weeks from the date of such application.

3 With the directions as above, writ petition stands disposed of.

(N.W.SAMBRE, J)

(R.M.BORDE, J)

vbd