

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 1123 OF 2015
IN
WRIT PETITION NO. 9674 OF 2013

Govind Rajaram Rege.	...	Petitioner.
V/s.		
The State of Maharashtra and others.	...	Respondents.

S.M.Railkar for the petitioner.

Vikas Mali, AGP for respondent Nos.1 and 2.

S.V.Sadavarte for respondent No.3.

**CORAM : NARESH H. PATIL AND
S.B. SHUKRE, JJ.**

DATED : 13th July 2015.

PC.

The petitioner challenged the order dated 8th October 2013 passed by respondent No.3- Chief Officer of Vengurla Municipal Council. The order of the Chief Officer relates to oral direction of Collector in respect of staying the construction carried out by the petitioner in the municipal limits of Vengurla Municipal Council. By order dated 15th October 2013 interim relief in terms of prayer clauses (c) and (d) was granted and the said order dated 8th October 2013 was stayed. Learned counsel for the petitioner submits that based on the said order the petitioner carried out further construction and completed the same. It is

submitted that petitioner desires to use part of the said building for commercial purposes.

2. On behalf of respondent No.2, the Project Officer has filed affidavit in reply. The deponent submits that the subject construction is irregular and unauthorized and for regularizing the same the petitioner has to take necessary permission from the authority which is not obtained by the petitioner till date. Respondent No.3- municipal corporation has not filed reply to the main petition. However, it is submitted that reply is filed to the civil application which is not placed before us. During the course of hearing, learned counsel for respondent No.3 has placed copy of affidavit filed by respondent No.3. Para-3 of the said affidavit reads as under:

“3. I say that one of the condition imposed on the Petitioner was to obtain No Objection from the authorities under Ribbon Development Rules. The Petitioner has produced the No Objection Certificate from the Chief Engineer of the State of Maharashtra - a final authority under the Ribbon Development Rules. The letter addressed by the Chief Engineer to the Executive Engineer, Ratnagiri, states that the underlying papers of the No Objection Certificate be forwarded to the Collector of Sidhudurg District - Respondent No.2 above, who shall submit the papers to the Government of Maharashtra.”

3. In the facts of the case, the appropriate municipal authorities and state authorities are entrusted with necessary powers to look into the issues as to whether the construction commenced and got completed in accordance with law. In the facts of the case, it would not be necessary for

this Court to show further indulgence in respect of disputed questions of facts raised before this Court regarding subject construction. We are not even inclined to entertain any issue in respect of disputed question of ownership of the subject property. The petition is pending since 2013. We observe that the Chief Officer, Vengurla Municipal Council and the State authorities shall take appropriate decision in respect of petitioner's construction within a period of four weeks from today on its own merits.

4. With the aforesaid observation and direction, petition as well as civil application are disposed of.

(S.B. SHUKRE, J.)

(NARESH H. PATIL, J.)