

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

rpa

WRIT PETITION NO.5454 OF 2014

Vilas Javdekar Ecohomes

.. Petitioner

Vs.

The State of Maharashtra & Ors.

.. Respondents

....

Mr.P.K. Dhakephalkar, Senior Advocate a/w. Mr.Amey Nabar,
Mr.R.S. Bidkar i/b. M/s.Hariani & Co., Advocate for the Petitioner.

Mrs.M.P. Thakur, AGP for the Respondent Nos.1 to 3.

Mr.Suresh Madhukar Kamble, Advocate for the Respondent No.4.

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**CORAM : A.S. OKA &
A.P. BHANGALE, JJ.**

DATED : APRIL 10, 2015.

P.C. :

Heard the learned senior counsel appearing for the petitioner, the learned AGP for the 1st to 3rd respondents and the learned counsel appearing for the 4th respondent. The challenge in this petition under Article 226 of the Constitution of India is to the show-cause notice 28th May, 2014 issued by the District Collector calling upon the Petitioner to show-cause as to why permission granted for non-agricultural use of the property in question under the Maharashtra Land Revenue Code, 1966, should not be cancelled.

2 This petition under Article 226 of the Constitution of India need not be entertained against the show-cause notice.

3 We, therefore, dispose of the petition by passing the following order:

:: ORDER ::

(i) It will be open for the petitioner to file a reply to the show-cause notice within a period of one month from today. If reply is already filed, it is open for the petitioner to file additional reply within a period of one month from today;

(ii) The order passed on the show-cause notice shall be communicated to the petitioner. If the said order be adverse to the petitioner, the same shall not be implemented for a period of one month from the date on which the same is communicated to the petitioner;

(iii) All contentions of the parties on the merits of the show cause notice are kept open;

(iv) The petition is disposed of on the above terms.

(v) It will be open for the petitioner to make an application to the 4th respondent for seeking action of removal of illegal structures on the road. If such application is made, the 4th respondent shall deal with the application in accordance with law as expeditiously as possible.

(A.P. BHANGALE, J.)

(A.S. OKA, J.)