

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.1618 OF 2015

IN

WRIT PETITION NO.6428 OF 1997

Shri. Manoj Kantilal Bharatiya .. Applicant

IN THE MATTER BETWEEN

Shri. Manoj Kantilal Bharatiya .. Petitioner

Versus

Pimpri Chinchwad Municipal Corporation

and another .. Respondents

Shri. V. V. Pai, for the Applicant.

Shri. G. H. Keluskar, for the Respondent Nos.1 and 2.

CORAM : R.M. SAVANT, J.

DATE : 5th OCTOBER, 2015

PC.

1. By the above Civil Application, the Applicant has prayed for the following reliefs :-

“(b) That pending the hearing and final disposal of the above Writ Petition and Civil Application, this Hon'ble Court be pleased to direct the Respondents, to allow and permit the Applicant, to re-erect his hoardings, which were required to be removed by him under the compelling circumstances, after the order dated 05.05.1998, came to be passed by this Hon'ble Court, in the aforesaid Writ Petition bearing No.6428 of 1997, on such terms and conditions, as may be deemed fit and proper;”

(c) That pending hearing and final disposal of the above Writ Petition and Civil Writ Petition, direct the Respondent Corporation not to take any action that may amount to

removal of the present existing hoardings of the Applicant unless and until prior permission of this Hon'ble Court is being sought for;"

2. The relief vide prayer clause (b) is sought on the ground that the two hoardings i.e. one at Kharalwadi and one at Nashik Phata were removed by the Petitioner at the request of the officers of the Respondent Municipal Corporation for carrying out work relating to public purpose. The Learned Counsel for the Petitioner seeks to rely upon the letters dated 16.11.2006 addressed by the Petitioner to the Municipal Corporation. The said letters refer to the hoardings at Nashik Phata and Kharalwadi and their removal at the request of the officers of the Municipal Corporation. The fact mentioned in the said letters of the hoardings at Kharalwadi and Nashik Phata being removed at the request of the officers of the Municipal Corporation has been denied by the Municipal Corporation vide its letter dated 06.12.2006. It has been stated in the said letter that the Corporation has not issued any letter in respect of the said hoardings. The above Civil Application is filed on 30.09.2014 seeking the relief as above and the claim is based on the letters dated 16.11.2006 in respect of the said two sites. In view of the denial of the fact by the Municipal Corporation namely that the hoardings have been removed at the behest of the Corporation, it is not possible to grant the reliefs sought by the Applicant/original Petitioner in the above Civil Application. The Civil

Application is accordingly rejected. In view of the fact that the Petition is of the year 1998, it would be just and proper to fix the Petition for final hearing. To facilitate the same, list the above Petition for directions on 17.11.2015.

[R.M. SAVANT, J]

CERTIFICATE

Certified to be true and correct copy of the original signed
Judgment/Order.