

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.2591/2015

Hinganghat Tahsil Sahakari Kharedi Vikri Sanstha Ltd., Hinganghat, Distt.
Wardha through its Manager

...Versus...

Chief Officer Municipal Council, Hinganghat, Distt. Wardha and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri N.R. Saboo, Advocate for petitioner
Shri Anand Deshpande, Advocate for respondent no.1
Shri A. Sambre, Advocate for respondent nos.2 and 3

CORAM : SMT. VASANTI A. NAIK AND
A.I.S. CHEEMA, JJ.

DATE : 26.08.2015

By this petition, the petitioner seeks a direction against the respondent – Chief Officer not to implement the order directing the respondent – landlord to demolish the building in view of its dilapidated and dangerous condition.

It is the case of the petitioner that the petitioner – tenant was not heard by the Chief Officer before directing the demolition of the building. It is submitted that it was necessary for the Chief Officer to have heard the petitioner before passing the order.

Shri Deshpande, the learned Counsel for the Municipal Council states that the petitioner had filed an application-appeal against the order directing the demolition and

the Chief Officer has heard the petitioner. It is stated that without waiting for the decision of the Chief Officer, the petitioner has rushed to this Court.

Shri Sambre, the learned Counsel for the respondent-landlord states that the petitioner is not a tenant and the property is vacant and is in the possession of the respondent-landlord.

Be that as it may, since the only grievance of the petitioner is that the petitioner was not heard before the order of demolition was passed and since the Chief Officer has heard the petitioner in the matter of demolition of the building, the writ petition could be disposed of. We, therefore, dispose of the writ petition so that the Chief Officer may take a decision in the matter. The points raised in the petition are kept open.

Order accordingly. No costs.

JUDGE

JUDGE

Wadkar