

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

WRIT PETITION No. 2597 OF 2014.

Naresh Suryabhanji Ambulkar

VERSUS

Chief Officer, Municipal Council, Kalmeshwar

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

Court's or Judge's orders.

CORAM : B.P. DHARMADHIKARI
& A.S. CHANDURKAR, JJ.

DATED : FEBRUARY 03, 2015.

Heard Shri A.R. Chutake, learned Counsel
for the petitioner and Shri S.V. Bhutada, learned
Counsel for respondent.

Petitioner who has received a notice for
removal of unauthorized structure from respondent
Municipal Council, is before this Court. On 03.06.2014
this Court has protected his structure.

Contention of learned counsel for the
petitioner is, notice of removal or demolition of

unauthorized structure, issued on 02.06.2014, is giving him only time of two days, while the statute provides time of 30 days.

Shri Bhutada, learned counsel appearing on behalf of the respondent submits that petitioner was served with notice even earlier and last such notice was given to him on 19.09.2013.

Perusal of the notice dated 19.09.2013, shows that petitioner has encroached on front side and constructed stairs in the municipal land. This construction is also found in excess. He was given time of three days to remove it. On 09.05.2014, he was given time till 11.05.2014. Petitioner has on 17.05.2014, made a representation and sought certified copies of notices issued to him earlier. He has repeated the same representation on 25.09.2014. It is in this background that on 02.06.2014, he was given time of only two days.

The learned counsel for the petitioner submits that as per the sanctioned plan, distance of 9 meters should have been left between the structure of petitioner and nala, which flows on its eastern side.

Perusal of the sanctioned map shows that distance should have been 9 meters, but, the contractor has left less distance towards nala side.

We are not inclined to go into all these aspects.

The petitioner to file a representation to the Chief Officer of the Municipal Council within a period of two weeks from today pointing out the exact excess structure raised by the contractor. If he contends that the structure is in accordance with law, he shall obtain a certificate issued by the Architect who has prepared the plan and submitted it for sanction, and submit it along with that representation. The Chief Officer shall thereafter take suitable decision within a period of next two weeks.

It is open to the petitioner to remove excess or unauthorized structure in the meanwhile.

With these directions, we dispose of the writ petition. No costs.

Rgd

JUDGE

JUDGE