

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

Public Interest Litigation No.82 of 2015
(Suresh Damodar Talwekar .vs. State of Maharashtra through the Chief Secretary and ors.)

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

Court's or Judge's orders.

Mr. J.M. Gandhi, Advocate for Petitioner.
 Mr. D.P. Thakre, Additional Government Pleader for Respondent
 Nos. 1 & 4.
 Mr. S.K. Mishra, Senior Advocate with Mr. K.C. Deogade, Advocate
 for Respondent Nos. 2 and 3.

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CORAM : B.R. Gavai & Prasanna B. Varale, JJ.
DATED : October 28, 2015.

The petitioner who is a Corporator has approached this Court with a grievance that respondent no.2 is not sanctioning the plans of the citizens. It is the grievance of the petitioner that on account of inaction on the part of respondent no.2, the petitioner who is a Corporator is approached by various citizens.

Respondent no.2 is bound to take the action in accordance with the law if any plans are submitted to it by the owners of the plot who intend to construct on the same. Deeming provision provided that if within a period of 45 days the plans are not sanctioned and any lacuna is not pointed to the owner, the plan would be deemed to have been sanctioned.

If it is the grievance of any of the owners that unnecessary lacunae are pointed out in the plans and the said owners are harassed by respondent no.2, such of the owners can very well knock the door of this Court

and this Court can pass the appropriate orders against respondent no.2. If it is found that respondent no.2 has unnecessarily harassed any of the citizens, this Court is not precluded from imposing stringent costs and also taking penal action against respondent no.2.

In that view of the matter the grievance as sought to be espoused in the present public interest litigation would not be tenable. Public interest petition is rejected.

JUDGE

JUDGE

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