

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

PUBLIC INTEREST LITIGATION NO. 16 OF 2012

(Pritam Sarormal Chawla & others Vs. State of Maharashtra & others)

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 AND
P. N. DESHMUKH, JJ.
DATED : 05 OCTOBER, 2015**

We have heard Shri S. B. Wahane, learned Counsel for the petitioners, Smt. Bharti Dangre, learned Government Pleader for respondent Nos. 1 and 2, Shri R. O. Chhabra, learned Counsel for respondent No.3, Shri J. B. Kasat, learned Counsel for respondent No.3 and Shri Tejandar Singh Renu in person for respondent No.5.

Effort of Shri Renu is to demonstrate that the petitioners also have indulged in raising unauthorized construction, which is much more in area as compared to area of alleged unauthorized structure of respondent No.5. He makes a grievance that respondent No.4 is not taking any action against that structure.

According to Advocate Shri Wahane, no part of structure of petitioners is illegal.

Advocate Shri Wahane attempts to demonstrate how the structure raised by respondent No.5 is unauthorized and illegal.

During arguments, our attention is drawn to an affidavit on behalf of respondent No.5 filed by Shri Balbir Singh Renu vide stamp No.10857/13. Paragraph No.3 of the said affidavit shows that respondent No.5 has preferred an appeal under Section 47 of the Maharashtra Regional Town Planning Act with respondent No.1-the State Government and that appeal is pending.

It is, therefore, apparent that any observation of this Court on the nature of construction will not influence consideration of the State Government of said appeal.

Learned Government Pleader, in this situation, submits that respondent No.1-the State shall attempt to decide the appeal at the earliest. She, however, points out that respondent No.1 before this Court is State of Maharashtra through its Home Department.

We grant petitioners leave to implead the State of Maharashtra through its Secretary, Urban

Development as respondent No.6.

Learned Government Pleader waives notice for the added respondent.

We direct the added respondent to decide the appeal filed by respondent No.5 within a period of three months from the date of communication of this order to it.

We direct the parties to appear before the said respondent on **26/10/2015** and to abide by its further instructions in the matter. With these directions and keeping all rival contentions open, we dispose of this public interest litigation with no order as to costs.

JUDGE

JUDGE