

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 13600 OF 2015
IN
SECOND APPEAL [STAMP] NO. 28420 OF 2015

Aurangabad Municipal Corporation
through Commissioner, Aurangabad
and others

.. Applicants

vs

Jitendra Ayodhyaprasad Bansal

.. Respondent

Mr. S. S. Tope, Advocate for applicants

Mr. A. S. Shelke, Advocate for respondent

CORAM : SUNIL P. DESHMUKH, J.
DATE : 26th August, 2016

ORDER :

1. Heard learned counsel for the applicants-appellants and learned counsel for respondent.
2. Learned counsel for appellants states that the corporation is a local authority and any decision has to pass through a passage of procedural requirements which have really consumed time.
3. Learned counsel for respondent, however, submits that the whole action is politically motivated. As a matter of fact, despite order of this court, there had been communication from the then mayor on 28-06-2013 to the Assistant Director, Town Planning, to

cancel permission. He submits that thereafter application for condonation of delay had been moved.

4. Learned counsel for applicants further states that lot of process has to undergo to take up further proceedings. May be, the communication from the then mayor is like that, but that is not deciding factor challenging the decision of the appellate court.

5. Learned counsel for applicants states that delay has been properly accounted for in the application since upon realization in 2014 of the order passed in 2012 by the appellate court, some activities had taken place for challenging the order.

6. One may not be able to approve the way local authority functions. However, having regard to totality of the circumstances, I deem it appropriate to give lenient treatment to the application and condone the delay subject, of course, to costs of Rs.7,500/- payable to respondent. The costs shall be deposited in this court within a period of four weeks or may be paid directly to the counsel for respondents.

7. Application, as such, stands allowed and is disposed of.

SUNIL P. DESHMUKH,
JUDGE

pnd