

mm

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 2355 OF 2013

Arun Krishnaji Dharap

...Petitioner

Vs.

The Municipal Council of Lonavala,

Through Chief Executive Officer & Ors. ...Respondents

Mr. S.A. Sawant, Advocate for the Petitioner

Mr. R.S. Apte i/b. Aniruddha Garge, Advocate for the
Lonavala Municipal Council.

Mr. N.R. Bubna, Advocate for Respondent No.3

Ms. M.P. Thakur, AGP for the State

CORAM : SHANTANU S. KEMKAR &

M.S. KARNIK, JJ.

DATED : 13TH JUNE, 2016

PC. :

Parties through their Counsel.

2. In this Petition directions were issued from time to time.

Learned Counsel for the Petitioner submits that a small part of the unauthorised construction raised by the 3rd and 4th respondents has been removed by the first respondent Municipal Council of Lonavala, but the major part of the unauthorised construction has yet not been removed. He further submits that the Petitioner's construction has been

demolished by the Council where as the 3rd and 4th respondents are being favoured by the Officers of the Municipal Council of Lonavala.

3. Learned Counsel appearing for the Municipal Council submits that whatever unauthorised construction was found that has been removed, however, if the petitioner points out any further unauthorised constructions which has been raised by the 3rd and 4th respondents, appropriate action will be taken in regard to that also.

4. Learned Counsel appearing for the 3rd and 4th respondents submits that alleged unauthorised construction has already been removed. Be that as it may. We find that at the first instance the grievance of the Petitioner needs to be redressed by the officers of the Municipal Council, Lonavala. In the circumstance we dispose of this Petition by granting liberty to the petitioner to submit detailed representation before the first respondent Municipal Council. The first respondent on receipt of the same shall examine the same

and shall take appropriate steps after giving opportunity of hearing to the Petitioner and 3rd and 4th respondent. After hearing in case it is found that there is any unauthorised construction of the 3rd and 4th respondents still to be removed, the Municipal Council shall take appropriate steps in that regard. The entire exercise to be completed within a period of three months from today. The petitioner to submit his representation before the competent authority within a period of 10 days from today. All rights and contentions of the parties are kept open.

5. The Petition is disposed off accordingly.

(M.S. KARNIK, J.)

(SHANTANU S. KEMKAR, J.)