

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4970 OF 2016

Sunil Kisan Ubale.

..Petitioner.

Versus

State of Maharashtra & Others.

..Respondents.

Mr. V. D. Raut for the Petitioner.

Mr. P. G. Sawant, AGP for the State.

Coram : RANJIT MORE &
SMT. ANUJA PRABHUDESSAI, JJ.

Date : **June 16, 2016.**

P. C. :

1. Heard learned Counsel appearing for the Petitioner and learned AGP for the State.

2. The writ petition is filed for following relief :

“(b) this Hon'ble Court be pleased to issue writ of mandamus or such other writ, direction or declaration or order in the nature of writ of mandamus or any other appropriate writ, order or direction directing the Respondents to remove the illegal and unauthorised construction upon the reserved 'open space' in the S.No.305/1 (part) old Gat No.1864(part) present Gat No. 468/1 and 468/2 K reserved as per lay-out plan sanctioned by Assistant Director of Town Planning, Pune Br. Pune dated 27.07.1984 bearing No.647/6km/G/864/17/3669 and N.A.order dated 27.7.1984 passed by the SDO, Junnar Sub Division, Khed, Pune within time bound reasonable period”

3. The grievance in the writ petition is that Respondent Nos.7 and 9 have illegally and unauthorisedly constructed their

houses in the space reserved in the layout as “open space” and though the Petitioner has from time to time made applications and representations to Talathi of Medankarwadi, Tahsildar of Khed, SDO of Junnar and the Collector, Pune, no action has been taken as against the said illegal and unauthorised construction.

4. Admittedly, the SDO Khed by his letter dated 10th July 2015 [*Exhibit-J to the petition*] has directed the Tahsildar, Khed to make enquiries into the Petitioner's complaint/representation. The grievance of the Petitioner is that despite direction from SDO, the Tahsildar has not taken any action in the matter.

5. In above circumstances, we deem it convenient to dispose of the writ petition by directing Respondent No.4- Tahsildar Khed to look into the Petitioner's complaint dated 15th June 2015 and take necessary action in accordance with law as expeditiously as possible. Ordered accordingly.

6. Needless to mention that this Court has not gone into merits of the matter and all points and contentions of the respective parties are kept open to be agitated before the Tahsildar, Khed. Tahsildar shall decide the matter after giving an opportunity of hearing to all concerned.

[SMT. ANUJA PRABHUDESSAI, J.]

[RANJIT MORE, J.]