

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

WRIT PETITION NO.7678 OF 2016

Rahul Krishna Chitalkar-Patil	... Petitioner
V/s.	
District Collector, Pune and Ors.	... Respondents

...

Mr. A. Y. Sakhare, Senior Advocate a/w Mr. Joel Carios for the petitioner.

Mr. Asif Patel- AGP for the State.

Mr. Kunal Bhange for respondent No. 2.

...

**CORAM : SHANTANU S. KEMKAR &
M. S. KARNIK, JJ.**

DATE : 14th JULY, 2016.

P.C. :

1. Heard parties through their counsel. The grievance of the learned Senior Advocate appearing for the petitioner is that the Appellate Authority while passing the impugned order has not taken into consideration the various grounds raised by the petitioner in the memo of appeal including the ground relating to limitation as provided under section 44(2) of the Maharashtra Municipal Councils Nagar Panchayat and Industrial and Township act 1965.

2. We have gone through the order passed by the Appellate Authority (Additional Commissioner, Pune Division) and we find while passing through the impugned order the Additional Commissioner has

not taken into consideration the various grounds raised by the petitioner in the memo of appeal.

3. It is the case of the petitioner that the copy of submission of Mr. Ramesh Thorat which has been taken into consideration while passing the order has also not been supplied to the petitioner.

4. Having considered submission made by the learned counsel for the parties and having gone through the impugned order, we are of the view that the Additional Commissioner has not passed reasoned order in respect of the various grounds raised by the petitioner.

5. In the circumstances, we set aside the impugned order and remit the matter back to the Additional Commissioner for deciding the appeal afresh. The petitioner and respondent no.2 shall have to appear before the Additional Commissioner on 1st August, 2016 at 11.00 am. The Additional Commissioner is expected to decide the appeal as expeditiously as possible.

6. Petition is disposed of.

(M. S. KARNIK, J.)

(SHANTANU. S. KEMKAR, J.)