

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.9071 OF 2015

Aditya Arvind Kulkarni	...Petitioner
vs.	
The Chief Executive Officer	
Phaltan Municipal Council, Phaltan	
and Others	...Respondents

Mr. Nitin Deshpande, for the Petitioner.

CORAM : SHANTANU KEMKAR &
MAKARAND KARNIK, JJ.

DATE : JUNE 14, 2016

PC.:

1. Heard the learned counsel for the Petitioner. Through this Petition, the Petitioner is seeking direction to the Respondents to act in accordance with the notices dated 29th January, 2009 and 2nd April, 2009 and demolish the illegal structure mentioned in it. According to the Petitioner, the Respondents are not taking any further action in regard to the aforesaid notices.

2. Having considered the submissions made by the learned counsel for the Petitioner, we are inclined to dispose of this Petition by

directing the competent authority of Respondent No. 2 to examine the grievances of the Petitioner and take appropriate action on the notices dated 29th January, 2009 and 2nd April, 2009 in accordance with law.

3. Needless to say that in case of there being any legal impediment to pursue the said notices further, the decision/order to that effect be taken and be communicated to the Petitioner. Let the entire exercise be completed within a period of three months from the date of receipt of the copy of this order. The Petitioner to submit the copy of this order before the competent authority of Respondent No. 2 alongwith a copy of the Petition.

4. Needless to say that we have not expressed any opinion about the merits of the matter and the competent authority of Respondent No. 2 shall be free to take decision in accordance with law.

5. The Respondent Nos. 1 and 2 are also directed to examine the prayer clause (b) of the Petition in which the prayer has been made by the Petitioner to remove the debris spread on the way

passing through city survey Nos. 2193, 2211 to 2214, 2255 to 2260 and 2194. Let the appropriate decision in that respect be also taken by the competent authority of Respondent No. 2 within the aforesaid period.

(M.S. KARNIK, J.)

(S.S. KEMKAR, J.)