

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (Ld.) NO. 1840 OF 2016

Manish P. Shah.

..Petitioner.

Versus

Asstt. Engineer (B&F), N Ward,
and Others.

..Respondents.

Mr. Kishor Patil i/b R. S. Matkar for the Petitioner.

Mr. H. C. Pimple for the BMC

Mr. U. S. Upadhyay, AGP for Respondent No. 4.

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

Date : **July 12, 2016.**

P. C. :

1. Heard the learned Counsel appearing for the respective parties. By this writ petition, the Petitioner is challenging the order dated 9th June 2016 passed by the Under Secretary to the Government of Maharashtra in Urban Development Department whereunder the Petitioner's appeal under section 47 of the the Maharashtra Regional and Town Planning Act, 1966 came to be dismissed for non removal of office objections.

2. Mr. Patil, learned Counsel appearing for the

Petitioner submitted that appeal was filed on 4th April 2016 without any delay and therefore objection in this regard could not have been the basis for dismissal of appeal. He also submitted that the said appeal was duly signed by the Petitioner Manish Shah as well as by his Advocate and Court fee was also paid. He further stated that the objection, if any, would be removed within two weeks from today. Statement is accepted.

3. Impugned order refers to the appeal filed by the Petitioner on 13th May 2016, when in fact the appeal is filed on 4th April 2016 which is apparent from the perusal of copy of the appeal memo which is at page 51. Therefore, appeal was filed within the prescribed time. The documents annexed to the writ petition show that the appeal memo was signed by the Petitioner as well as by his lawyer. Hence the impugned order cannot be sustained. The same is accordingly quashed and set aside. The Petitioner is at liberty to remove office objections, if any, within two weeks from today. On removal of office objections, Respondent No.4 shall register the appeal. Respondent No. 4 shall decide the appeal as expeditiously as possible and at any

rate within the period of two months from the date of registration of the same. For the period of three months from today, the protection granted by this Court vide order dated 22nd March 2016 in Writ Petition (Ld.) No. 818 of 2016 shall enure for the benefit of the Petitioner.

[SMT. ANUJA PRABHUDESSAI, J.]

[RANJIT MORE, J.]