

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 5692 OF 2013

(Sau. Roopa w/o Sanjay Mukte vs. The Corporation of City of Nagpur and others)

Office Notes, Office Memoranda of
Coram, appearances, Court's orders Court's or Judge's orders
or directions and Registrar's orders.

Shri S.P. Bhandarkar, Advocate for petitioner.
Shri J.B. Kasat, Advocate for respondent no.1.
Shri N.R. Patil, Assistant Government Pleader for
respondent nos.2 and 4.
Shri A.R. Deshpande, Advocate for intervener/
applicant no.2.

CORAM : B.P. DHARMADHIKARI AND
KUM. INDIRA JAIN, JJ.

DATED : AUGUST 3, 2016

One of the grievances of the petitioner is that Hon'ble Minister while passing impugned order dated 22/4/2015 has not extended an opportunity of hearing to petitioner.

The learned Assistant Government Pleader on the strength of records is not in a position to dispute this aspect.

However, according to Adv. Kasat for respondent no.1, Shri Patil, learned Assistant Government Pleader for respondent nos.2 and 4 and Adv. Deshpande for intervener/applicant no.2, the Hon'ble Minister has only placed back matter before original Authority for proper consideration and

hence, no prejudice is caused to petitioner.

It is pointed out to this Court that respondent no.3 Smt. Ahirrao is land owner and Adv. C.S. Lahabar appears for her in writ petition.

Adv. Bhandarkar for petitioner submits that order in favour of petitioner has been set aside on 22/4/2015.

In this situation, we find that without hearing petitioner, such order could not have been passed. Therefore, without observing anything on merits of the controversy, we direct parties to appear before the Hon'ble Minister/competent Authority on 31/8/2016 and to abide by his further instructions in the matter. The said Authority shall attempt to decide the appeal as early as possible and in any case within next eight weeks.

It is made clear that during pendency of the said appeal before appellate Authority, respondent no.1 Corporation shall not take any coercive steps against the alleged unauthorised construction.

With the above direction, writ petition is disposed of. No costs.

JUDGE

JUDGE

khj

CERTIFICATE

I certify that this order uploaded is a true
and correct copy of original signed order.

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Kamal H. Jeswani
Private Secretary

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04/08/2016