

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

Second Appeal No.24 of 2013

(Shri Sudhakar s/o Shankar Pujari v. City of Nagpur Corporation, Nagpur,
through its Municipal Commissioner, Civil Lines, Nagpur, and another)

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

Shri S.D. Khati, Advocate for Appellant.

Smt. S.S. Jachak, Advocate for Respondent No.1.

Shri M.A. Kadu, Assistant Government Pleader for Respondent
No.2.

Coram : R.K. Deshpande, J.

Date : 16th November, 2016

The respondent No.1-Corporation is at liberty to issue a fresh notice in accordance with Section 53 of the Maharashtra Regional and Town Planning act, 1966, as prima facie the notice issued is defective for want of clear one month's period.

In view of above, there is no question of the respondent No.1-Corporation acting on the basis of the notice dated 3-7-2007, which does not survive. In view of this, Regular Civil Suit No.261 of 2008 filed by the plaintiff also does not survive, and the respondent No.1-Corporation is prevented from acting on the basis of the notice dated 3-7-2007.

With these observations, the petition is disposed of.

Judge.

Lanjewar