

Urmila Ingale

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 3906 OF 2016

Mr.Sukumar Maganlal Chankeshwara .. Petitioner
Vs.
State of Maharashtra and anr. .. Respondents

Mr.S.M.Oak i/b Mr.Vinayak Patil, for the Petitioner.
Mr.V.S.Talkute, for Respondent No.2.
Mr.Vikas Mali, AGP for State.

**CORAM : NARESH H. PATIL &
M.S.KARNIK, JJ.**

22nd MARCH, 2017

P.C. :

. The petitioner challenges the notice dated 02/03/2016 issued by respondent No.2 -The Phaltan Nagar Parishad under Section 53(1) of the Maharashtra Regional and Town Planning Act, 1966 (for short 'MRTP Act'). Learned Counsel appearing for the petitioner raises following objections.

- a) Notice was not issued by the Designated Officer.
- b) Wrong survey numbers were mentioned in the notice.
- c)Building plan was submitted and sanctioned.
- d) Required notice period was not observed.

2. Learned Counsel appearing for the respondent No.2

– Municipal Council placed reliance on affidavit-in-reply.

3. We have perused the record placed before us. The Petition was heard in the month of April 2016 and since then the Petition was adjourned from time to time.

4. In the facts, we are of the view that petitioner shall be heard by the Chief Officer, Municipal Council on the objections raised herein. After considering the objections, the concerned Chief Officer is entitled to take appropriate decision by passing a brief reasoned order. If required, fresh notice can also be issued. This exercise shall be completed within 3 weeks from today. The petitioner shall appear before the Chief Officer, Municipal Council on Monday - 27/03/2017 at 11.00 a.m. For a period of 3 weeks from today, status-quo as on today shall be maintained. It is clarified that we have not expressed any opinion on merits.

5. Writ petition is disposed of in the above terms.

(M.S.KARNIK, J.)

(NARESH H. PATIL, J.)