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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.8932 OF 2017**

Vidyadhar Nathuram Powale ... Petitioner
Vs.
Kalyan Dombivali Municipal Corporation and Ors. ... Respondents

Mr. Sandeep M. Phatak for the Petitioner.
Mr. Y.B. Purwant i/by Mr. A.S. Rao for the Respondent Nos.1 and 2.
Mr. A.A. Alaspurkar, AGP for the Respondent No.4.

**CORAM : A.S. OKA &
SMT. VIBHA KANKANWADI, JJ.**

DATE : 3rd AUGUST, 2017

PC.

. Not on Board. Taken on Board.

1 The learned counsel appearing for the petitioner states that the real grievance of the petitioner is that the Respondent No.3 has committed breach of condition No.12 incorporated in the development permission. Moreover, the said Respondent has committed a breach of the undertaking given to the Municipal Corporation which is the Planning Authority. If that be so, it is for the petitioner to make a specific representation to the Municipal Corporation inviting attention of the Municipal Corporation to the fact that the third Respondent has committed a breach of the aforesaid condition as well as the breach of the undertaking given to the Municipal Corporation.

2 If such a specific representation is made, the first respondent shall decide the same in accordance with law as expeditiously as possible and in any event within a period of one month from the date on which representation is made. The decision taken on the representation be communicated to the petitioner.

3 In the event, the decision be adverse to the petitioner, we grant liberty to the petitioner to file a fresh Petition. Petition is disposed of on above terms. All concerned to act upon an authenticated copy of this order.

(SMT. VIBHA KANKANWADI, J)

(A.S. OKA, J)