

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8322 OF 2015

Mohan Ranganath Nanekar. ..Petitioner.

Versus

State of Maharashtra & Others. ..Respondents.

Mr. S. P. Joshi for the Petitioner.

Mr. P. G. Sawant, AGP for the State.

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

Date : **December 12, 2017.**

P. C. :

1. Heard learned Counsel for the Petitioner and the learned AGP for the State. The petition is filed for following reliefs :

"a) that the Hon'ble Court may be pleased to exercise its power under Article 226 of the Constitution of India and may be pleased thereto direct the Respondent No. 1 to 3 to initiate appropriate action in accordance with law against the illegal construction raised by Respondent No. 4 and 5 on Gat No. 94, 95/1 and 96 at Nanekarwadi, Taluka Khed, District Pune;

b) that the Hon'ble Court may be pleased to issue appropriate directions to Respondent No. 2 to decide the representation dated 22.06.2015 which has been made by the Petitioner herein as also communicate the decision of the representation made by the Petitioner within a time bound period."

2. Grievance of the Petitioner is about the construction illegally carried out by Respondent Nos.4 and 5 on Gat No. 94, 95/1 and 96 of village Nanekarwadi, taluka Khed, district Pune. The

Petitioner has filed representation dated 22nd June 2015 to the Collector of Pune, SDO of Khed and Tahsildar of Khed. However, this representation seem to have not been decided so far.

3. Be that as it may, the learned AGP points out that the Competent Authority to decide the legality or otherwise of the subject construction is Pune Metropolitan Region Development Authority. This position is supported by the notification dated 31st March 2015 issued by the Government of Maharashtra, which is annexed at page 50 to the affidavit-in-reply of Government.

4. In above circumstances, we dispose of this writ petition by granting liberty to the Petitioner to make representation about the grievance raised in the writ petition to the PMRDA. In the event such a representation is filed within four weeks from today, the PMRDA shall decide the same as expeditiously as possible and at any rate within the period of three months from the date of receipt of such representation. Needless to mention that such representation shall be decided independently, on its own merits and in accordance with law and only after hearing all concerned, including Respondent Nos. 4 and 5. Writ petition stands disposed of.

[SMT. ANUJA PRABHUDESSAI, J.]

[RANJIT MORE, J.]