

Act, 1966 (for short 'Act') so far as his submissions are concerned.

3. Perusal of section 18 of the Act on which the petitioners rely itself would reveal that insofar as the areas which are situated in the limits of a Municipal Corporation or a Municipal Council or a Nagar Panchayat or a Special Planning Authority or other Planning Authority then for carrying out such development, the permission of such Municipal Corporation or Municipal Council, Nagar Panchayat or Special Planning Authority or other Planning Authority would be necessary. Clause (ii) of sub-section 1 of section 18 of the Act would reveal that in case the land is situated in the Gaathan then permission of such a Village Panchayat would be necessary. Clause (iii) thereof would reveal that in case the land is situated in areas other than those mentioned in clauses (i) and (ii) then permission of the Collector of the District would be necessary. The said provision itself provides that the Collector is empowered to delegate his powers to an officer not below the rank of Tahsildar.

4. Perusal of the affidavit filed by one Smt. Asmita Baliram More, Sub-Divisional Officer of Wai dated 21/10/2016 would reveal that the date on which the application was made by respondents No.

5 to 9 for grant of permission to demolish the original structure and construct new building, the area was under transition in as much as Gram Panchayat already stood dissolved and Nagar Panchayat of Lonand was yet to be constituted.

5. We therefore find that since on the relevant date the Gram Panchayat stood dissolved, Municipal Council of Lonand was yet to be constituted and there was no Planning Authority in existence and as such in view of clause (iii) of sub-section 1 of section 18 of the Act, the Collector or his delegate not below the rank of Tahsildar was empowered to grant permission. The affidavit and order passed by the Collector delegating powers to Sub-Divisional Officer is also placed on record. In that view of the matter, we find that submission made by learned Counsel for the petitioners is without any substance.

6. Apart from this, it is to be noted that upon the constitution of Lonand Municipal Council, revised sanctioned plan of the construction made by respondents No. 5 to 9 has already been sanctioned by the Lonand Municipal Council. Not only that the occupancy certificate as well as the assessment orders have already

been issued.

7. In that view of the matter, no case is made out for interference. Petition is rejected.

(M.S.KARNIK, J.)

(B.R.GAVAI, J.)