

HON'BLE SRI JUSTICE S. V. BHATT

Writ Petition No.1697 of 2012

ORDER:

The petitioner complains against inaction of the 3rd respondent, (now upgraded Kodad Municipality) that the illegal and unauthorised construction made by respondent Nos.4 and 5 is not enquired in to and necessary action taken in accordance with law.

2. The Commissioner, Kodad Municipality, has filed counter-affidavit and in paragraph 5 on the alleged inaction replied thus:

“5. In reply to paras-6 to 9 of the writ affidavit, I submit that as per the records of the Kodad gram panchayat the notice is also issued on 22.08.2009 to the unofficial respondents to stop the unauthorised work but on personal inspection the entire construction is completed by deviating the approved plan. The petitioner has stated as per the rule 33 of the gram panchayat land development rules 2002 the action has to be initiated, now the municipality has to issue notice under the Municipalities Act because the writ petition is pending before the Hon'ble court, no action has been taken.’

3. From the above, it is clear that the Commissioner did not initiate action, in view of the pendency of the writ petition, in spite of noticing that there are few deviations in the construction undertaken by respondent Nos.4 and 5 and these deviations are also not regularised.

4. Having regard to the admitted circumstances, I am satisfied the writ petition can be disposed of by this order:

The Commissioner, Kodad Municipality is given liberty to enquire in to the grievance of the petitioner against the unauthorised construction undertaken by respondent Nos.4 and 5 in Sy.No.506, Block No.4, erstwhile Kodad Village now Municipality, by affording opportunity

to affected persons and take decision within three months from the date of receipt of a copy of this order.

No order as to costs. Pending miscellaneous petitions if any in this writ petition shall stand dismissed in consequence.

S.V.BHATT, J

Date: 21.02.2017
BSS



HON'BLE SRI JUSTICE S.V. BHATT

40

Writ Petition No.1697 of 2012



Date: 21.02.2017

BSS