

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.6515 OF 2017

Tekchand s/o Tanhaji Wani,
Age 66 years, Occ.agri and Business,
R/o. Mitmita Tq. Dist. Aurangabad.
Through its Regd. GPA Holder M/s.
Sunrise Trade Centre
Through Its Partners (03)

...Petitioners

Versus

Municipal Corporation Aurangabad
Through Its Commissioner
Municipal Corporation Aurangabad
Office Town Hall, Aurangabad.

...Respondents

Mr. Shaikh Faruk V. Patel, Advocate for petitioners.
Mr. A. P. Bhandari, Advocate for respondent.

**CORAM : PRASANNA B. VARALE &
SMT.VIBHA KANKANWADI. JJ.
DATE : 19-03-2018.**

PER COURT :

1. This is a petition filed for very limited grievance namely issuance of direction to respondent Municipal Corporation to take decision on the application No. 888/17/2015-16 dated 20th January 2016 filed by the petitioner.
2. The learned counsel for the petitioner invited our attention to the document placed on record at Exhibit "C". The submission is along with the permission sought for, the necessary documents were

placed such as Key Plan, Site Plan, Sub-Division/ Layout plan, Building Plan etc. The learned counsel then invited our attention to a communication dated 25-04-2016 issued by the Deputy Engineer of the Town Planning Department of Municipal Corporation, Aurangabad. It is informed to the petitioner that, certain area is affected thereby causing a disturbance to service rule and the petitioner may file relinquishment deed in favour of the corporation.

3. The petitioner submitted to this communication, the petitioner responded positively and also submitted the relinquishment deed to the Municipal Corporation, and though the proposal for permission is pending for considerable period, no decision is taken on the proposal by the corporation.

4. The learned counsel Mr. A. P. Bhandari appearing for the corporation submitted that, there are certain impediments for grant of permission. If the corporation is having some legal impediment, there is no prohibition for the corporation to take an appropriate decision on the proposal in view of these impediments and communicate the decision to the petitioner. If such communication is issued to the petitioner, the petitioner may take appropriate remedies if so advised but not deciding the application for considerable period of time is not a course to be undertaken by the corporation.

5. In view of these facts, we direct the Municipal Corporation to take a decision on the proposal of seeking permission on the application No. 888/17/2015-16 dated 20th January 2016, as expeditiously as possible and not later than four (04) weeks from the date of order of this Court. With these directions, the petition is disposed of.

(SMT. VIBHA KANKANWADI)
JUDGE

(PRASANNA B. VARALE)
JUDGE

vjg/-.