

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 1235 OF 2018

INDRAKANT SHAMSUNDAR ZHA
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

Mr.Bharat S. Deokar, Advocate for the petitioner
Mr.S.B.Yawalkar, AGP for the respondent/State

**CORAM : S.S. SHINDE &
S.M.GAVHANE, JJ.
DATED : 01.02.2018**

P.C. :-

. Heard learned counsel appearing for the petitioner and learned AGP appearing for the State.

2. We have carefully perused the order passed by the District Collector, Dhule. The Collector has observed in the said impugned order that the Commissioner, Municipal Corporation, Dhule has not sanctioned the layout. He further observed that Survey No.36, wherein the petitioner's property is situated, does not belong to the Government. The Government Resolution dated 04.04.2002 is not applicable since the land belongs to the Corporation. In view of the matter, in our opinion, appropriate course opens to the petitioner is to apply respondent No.6 for redressal of grievance raised in this

petition. We grant liberty to the petitioner to file the comprehensive representation /application with relevant documents to respondent No.6 within four weeks from today on filing of such application, respondent No.6 to decide the said application in accordance with law, keeping in view the relevant record as expeditiously as possible, however within six months from today and communicate the said decision to the petitioner.

3. Needless to observe that, it would be open for respondent No.6 to issue notice to the petitioner and representative of the Corporation and after affording reasonable opportunity of hearing to pass the appropriate orders.

4. We make it clear that, we have not expressed any opinion on merits of the contentions raised in the petition and it is for the respondent to take into the consideration merits of the contentions which would be raised in the proposed application/representation.

5. With the above observations, the writ petition stands disposed of.

6. Parties to act upon authenticated copy of this order.

[S.M.GAVHANE,J.]

[S.S. SHINDE,J.]