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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 3412 OF 2015

Sangli District Niwara Sangh & Ors. ... Petitioners
Versus
State of Maharashtra & Ors. ... Respondents

Mr. Meelan Topkar, for the Petitioners.
Mr. G.H. Keluskar, for Respondent No.1.
Mrs. R.A. Salunkhe, AGP for Respondent Nos. 2 to 4.

**CORAM: A.S. OKA AND
RIYAZ I. CHAGLA, JJ.**
DATED: 27TH FEBRUARY 2018.

PC:-

1. Our attention is invited to the order dated 29th April 2005 passed by a Division Bench of this Court in Writ Petition No.4467 of 2004 filed by the 1st Petitioner. By the said order, the applications which may be made by the members of the 1st Petitioner within a period of six months from the date of the order were directed to be disposed of within a period of six months from the date of its filing. The applications were required to be made by submitting documents including domicile certificate.

2. The first grievance in this Petition is that though an application was made on 24th August 2005, the said application is not decided by reason untenable demands for production of certain documents. The second contention of the learned counsel

appearing for the Petitioners is that 208 members of the first Petitioner were already held eligible and even they have not been allotted a tenement or a plot of land.

2. We have heard submissions of the learned counsel for the first Respondent Municipal Corporation. We have perused the reply and the rejoinder. Even going by the reply, the application which was made by the Petitioner in terms of order dated 29th April 2005 in Writ Petition No. 4467 of 2004 is not yet disposed of. As far as the grievance regarding 208 members is concerned, we find that after making a representation dated 8th September 2005, no grievance whatsoever has been made as regards the alleged failure to allot premises to 208 members. The present Petition is filed on 10th February 2014.

3. Therefore, there is a gross delay, as far as the grievance regarding 208 persons is concerned. There is absolutely no explanation for the said delay. As far as the application made by the first Petitioner in terms of order dated 29th April 2005 passed in Writ Petition No.4467 of 2004 is concerned, the same has not been decided. If the first Petitioner has any objection to any requisition regarding submission of documents issued by the Municipal Corporation, the first Petitioner will have to satisfy the Municipal Corporation by making a representation that there is no

requirement of producing the said documents.

4. Accordingly, we dispose of the Petition by passing the following order :-

(a) We direct the 1st Respondent Corporation to decide the application dated 24th August 2005, (Exhibit 'F') as expeditiously as possible and in any event, within a period of one month from the date on which this order is uploaded;

(b) The first Respondent - Municipal Corporation will give an opportunity to the first Petitioner to make a representation to urge that some of the documents called upon to be filed by the 1st Petitioner are not relevant at all;

(c) All contentions on merits are kept open.

(RIYAZ I. CHAGLA J.)

(A.S. OKA, J)