

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3648 OF 2018

Vijay Vithoba Sanap

...Petitioner

vs.

Gram Panchayat Through Sarpanch,
Varasgaon, Kolad Roha, Dist. Raigad

...Respondent

Mr. R.D. Joshi, for the Petitioner
Mr. Ganesh Gole, for Respondent.

**CORAM : SHANTANU S. KEMKAR &
SARANG V. KOTWAL, JJ.**

DATE : SEPTEMBER 05, 2018

P.C.:

. Parties through their counsel.

2. Feeling aggrieved by the communication dated 16th March, 2017 (Exhibit "G") by which the Petitioner's application for issuance of no objection certificate which is required for applying for the renewal of license for the purpose of hotel and lodging, the Petitioner has filed this Petition.

3. According to the Petitioner before the said communication has been issued to him observing that since the matter is pending before the Civil Court & also the road acquisition

has already been done and as such the application cannot be decided, he has not been given an opportunity of hearing.

4. According to the Petitioner after receipt of the said communication, he had submitted an representation dated 15th January, 2018 (Exhibit “I”) which is still pending before the Respondents.

5. Keeping in view the submissions made by the learned counsel for the parties and having gone through the impugned communication, we are of the view that before issuing the impugned communication to the Petitioner, the Petitioner ought to have been given opportunity of hearing.

6. In the circumstances, we set aside the impugned communication dated 16th March, 2017 (Exhibit “G”) and direct the Respondent to consider the Petitioner's representation (Exhibit “I”) and take appropriate decision on it after giving due opportunity of hearing to the Petitioner.

7. The Petitioner is at liberty to file additional documents within two weeks.

8. The decision as aforesaid to be taken within three months from the date of receipt of copy of this order.

9. Needless to say that, we have not commented upon the merits of the matter.

10. The Petition is disposed of as such.

11. Parties to act on the authenticated copy of this order.

(SARANG V. KOTWAL, J.)

(SHANTANU S. KEMKAR, J.)