

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.10547 OF 2015

Ganpat Laxman Shelar

Petitioner

versus

The State of Maharashtra and others

Respondents

Mr.Thokade i/by Mr.Dilip B. Shinde for petitioner.

Mr.B.V.Samant, AGP, for State.

CORAM : S.C.DHARMADHIKARI AND
PRAKASH D. NAIK, JJ.

DATE : 28th February 2018

PC :

1. We have heard both sides. Since Mr.Thokade, learned advocate for the petitioner, apologizes for the absence of Mr.Dilip Shinde as also himself, we do not dismiss this petition for want of prosecution.

2. It is stated that the Collector, District Satara on receipt of application seeking permission for non-agricultural user, has forwarded a proposal to the Director of Town Planning Satara Branch/Division. The proposal was scrutinized and on two occasions it has been stated that the planning authorities are of the view that in terms of the existing policies, if the height of the structure for proposed construction is on a land situate at 1,000 meters above the sea level, then, non-agricultural user cannot be sanctioned or granted.

3. The petitioner relies upon such communications from the Director of Town Planning but in terms of the legal provisions, the permission for non-agricultural user has to be obtained from the Collector of the district. Let the District Collector, Satara pass formal orders on this application, which is stated to be pending and seeking permission for non-agricultural user.

4. Learned AGP states that the Collector, Satara District will pass necessary orders on petitioner's application as expeditiously as possible and communicate the same to the petitioner. This would be done within a period of four weeks from the date of communication of our order passed today. We accept the statements as undertakings to this Court. In the light of the statements and by keeping all the contentions of the petitioner open for being raised at appropriate stage, we dispose off this petition.

5. Let the petitioner be afforded an opportunity of personal hearing before the Collector, Satara District takes a decision as stated above.

(PRAKASH D. NAIK, J.)

(S.C.DHARMADHIKARI, J.)

MST