

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3062 OF 2018

Shri Rajendra Gajanan Joshi.	...	Petitioner.
V/s.		
Pimpri Chinchwad Municipal Corporation and others.	...	Respondents.

Mr.B.G.Ligade i/b. Mr.Drupad S. Patil for the petitioner.

Mr.Rohit S. Sakhadeo for respondent No.1.

Mr.Shriram S. Kulkarni i/b. Mr.Pravartak Pathak for respondent No.3.

CORAM : A.S.OKA AND RIYAZ I. CHAGLA, JJ.

DATE : 8th March 2018.

P.C.:

Non on board. Taken up on board.

2. The challenge to the development permission granted by the Municipal Corporation under section 45 of the Maharashtra Regional and Town Planning Act, 1966 in favour of the third respondent is on the ground that the petitioner being a co-owner or joint owner of the property, the third respondent ought to have taken his consent in writing before applying for development permission. The submission is that even the Planning Authority ought not to have granted permission as the consent of the petitioner was not obtained.

3. As far as relief of preventing the third respondent from proceeding ahead with the construction is concerned, the petitioner's civil suit is pending in which the petitioner can seek appropriate relief. As regards the alleged illegality in grant of development permission, the petitioner has already filed a representation dated 27th January 2018 through his advocate which is pending with the Municipal Corporation.

3. Hence, we need not keep the petition pending and we dispose of the same by passing following order:

We direct the first respondent to decide the aforesaid representation of the petitioner as expeditiously as possible in accordance with law. All contentions on merits are kept open.

(RIYAZ I. CHAGLA, J.)

(A.S.OKA, J.)