

R.M. AMBERKAR
(Pvt. Secretary)

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

WRIT PETITION NO. 1033 OF 2016

Shobha Channappa Atudkar & Ors. .. Petitioners

Versus

The State of Maharashtra & Ors. .. Respondents

-
- Mr. S.P. Thorat for the Petitioners
 - Ms. Nisha Mehra, AGP for the State
 - Mr. R.S. Khadapkar for the Corporation
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**CORAM : NARESH H. PATIL, ACTING C.J. &
G. S. KULKARNI, J.**

DATE : SEPTEMBER 5, 2018.

P.C.:

1. A civil suit bearing RCS No. 485 of 2004 came to be filed by the petitioners. Learned counsel for the petitioners draws our attention to paragraph 5 of the say filed by the Corporation which is at page 34 to the petition. The said paragraph reads thus:-

“5. Contents of para No. 4 of the application are false and misleading and hence denied by the respondent. Respondent submits that the respondent has submitted pursis before the Hon. Court that Municipal Commissioner of Pune Municipal Corporation has sanctioned the hut to the present plaintiff / applicant vide sanction No. 6/95 dated 23.6.2009 along with

terms referred therein under BSUP scheme. The same proceedings shall be executed by Deputy Commissioner (Slum) PMC and BSUP project. Hence, the contents of para 4 are not true and denied by respondent.”

2. In the alternative, learned counsel submits that the representation has been made to the Corporation dated 30.1.2015 which has not been attended to.

3. Without expressing any opinion on merits, we direct that the representation of the petitioner be decided by the Commissioner within three months from the date of this order in accordance with law and intimate the decision to the petitioners.

4. In view of above, the petition is disposed of.

[G.S. KULKARNI, J]

[ACTING CHIEF JUSTICE]