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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

WRIT PETITION NO. 6763 OF 2018

Sudhir Ramchandra Kale ... Petitioner
Vs.
Vijay Baburao Shewale and Ors. ... Respondents

Mr. Shriram S. Redij for the Petitioner.
Mr. G.S. Godbole i/b. Mr. Drupad S. Patil for the Respondent No.1.
Mr. Rajdeep S. Khadapkar for the Respondent Nos.2 and 3.
Mr. Mayur Jadhav i/b. Mr. S.B. Shetye for the Respondent No.4.
Mr. Prashant More, AGP for the Respondent No.5.

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

DATE : 13th AUGUST 2018.

P.C. :

1 The learned counsel appearing for the second and third respondents, on instructions of the second respondent, states that the second respondent will take a fresh decision on the application dated 18th August 2017 made by the petitioner within a period of six to eight weeks from today. He states that the said statement is made by the second respondent in deference to the observations made by this Court by the order dated 26th July 2018.

2 In view of the aforesaid statement made by the second respondent, obviously the impugned order dated 31st March 2018 cannot be sustained and the same will have to be set aside inasmuch as without setting aside the said order passed on the application dated 18th August 2017, a fresh order cannot be passed by the Municipal Commissioner.

3 Accordingly, we dispose of the petition by passing the following order :-

ORDER

- (i) We set aside the impugned order dated 31st March 2018 only on the ground that the second respondent has agreed to pass a fresh order within a period of six to eight weeks from today;
- (ii) Needless to add that before passing a fresh order, the second respondent is bound to give an opportunity of being heard to the petitioner, to the second respondent and all other affected parties, if any;
- (iii) We direct the second respondent to pass a fresh order as expeditiously as possible and in any event within a period of eight weeks from today;
- (iv) All contentions on merits are kept open;
- (v) In view of the aforesaid directions, at this stage, it is not necessary to consider prayer clauses (b) and (c);
- (vi) The petition is disposed of on above terms.

(RIYAZ I. CHAGLA, J.)

(A.S.OKA, J.)