

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 9879 OF 2016***

Shankar Raghmal Rohida

Petitioner

Versus

The Deputy Superintendent & Ors.

Respondents

Mr.D.S.Patil, for the Petitioner.

Mrs. M.P.Thakur, AGP, for the State.

Mr. Vineek Naik, Senior Advocate i/b. Mr. T.D.Deshmukh for respondent No.3.

Ms. Prachi Tatake i/b Mr. Vaibhav Sugdare for respondent No.4.

Mr. Pramod N. Jadhav for respondent No.5.

CORAM : RANJIT MORE &

SMT. SADHANA S.JADHAV,JJ.

DATE :17th April, 2018.

P.C. :

The following averment is made in para 9 of the affidavit dated 8.1.2018 filed by Shri Vivek Kharwadkar, Metropolitan Planner for respondent No.5:-

“It is a matter of fact that the actual construction on site done by Respondent No.3 is done with some deviation in originally sanctioned plan by Collector, Pune dtd. 16/04/2013 and later on after formation of this Authority Respondent No.3 had submitted Revised Building proposal dated 9/09/2015. The Respondent No.3 also filed an application for Plinth checking dt. 29/02/2016.

It is further submitted that, the said revised proposal shall be scrutinised using prevailing development, control and promotion regulation. The changes made by the respondent 3 and 4 will be compounded if they are found to be compoundable before taking eventual action. The Respondent No.5 will follow the procedure as laid down in section 52 and section 53 of the MRTP Act, 1966."

2. In the light of the above averment, learned counsel for the respective parties agree to the disposal of this petition by following order :-

(i) Respondent No.5 - Pune Metropolitan Development Authority shall decide the Revised Building Proposal dated 9.9.2015 filed by the petitioner as expeditiously as possible, and preferably within a period of four weeks from the date of receipt of a copy of this order.

(ii) Along with the above referred proposal, Respondent No.5 shall also consider the grievances of the petitioner made in his complaint dated 9.12.2017.

(iii) It is specifically made clear that both the proposals of

respondent Nos. 3 and 4 as well as the petitioner's grievances made in the said complaint shall be disposed of independently, in accordance with law and after giving hearing to all concerned.

(iv) In order to enable Respondent No.5 to comply with this order, both Respondent Nos. 3 and 4 as well as the petitioner shall remain present before Respondent No.5 on 25.4.2018 along with the proposal and the complaint as well as the copy of this order.

Petition stands disposed of.

[SMT. SADHANA S.JADHAV, J.]

[RANJIT MORE, J.]