

psv

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

WRIT PETITION NO.13437 OF 2016

Mr.Sureshkumar Shrikisan Bhayya & Anr.

...Petitioners

Vs.

The Collector of Solapur District & Anr.

...Respondents

Dr.Ramdas Sabban for Petitioners.

Ms.Nisha Mehra, AGP for State/Respondent

Mr.Samir Kumbhakoni for Respondent No.2/Corporation.

**CORAM : NARESH H. PATIL, ACTING C.J. AND
G.S. KULKARNI, J.**

DATE : 17th OCTOBER 2018

P.C.:

It is submitted by the learned Counsel for the petitioners that the petitioners have filed an application dated 20th October 2016 under Section 80 of the Maharashtra Provincial Municipal Corporations Act, 1949 with the District Collector of Solapur. The said application is still pending. One of the prayers of the said application relates to quashing and setting aside the order dated 14th September 2016 issued by Solapur Municipal Corporation denying ownership of the petitioners herein. The petitioners are the owners of the Sub-Plot Nos.259, 260, 261 and 262 of Plot No.30, CTS No.10385, T.P.S.-I of Solapur. The areas of the respective sub-clauses are specified in the prayer clause (C) of the said application.

2. After considering the submissions made by the learned Counsel for the Corporation and the learned AGP, we issue the following directions:-

(a) In case the application under Section 80 of the Maharashtra Provincial Municipal Corporations Act, 1949 filed by the petitioners is still pending with the Collector, Solapur, then we direct the Collector, Solapur, to pass appropriate orders on its own merits within three months from the date of communication of this order.

(b) The Collector, Solapur, would hear the concerned parties and thereafter pass a brief reasoned order.

3. It is submitted that the Corporation would file reply to the application at the earliest.

4. All issues on merits are kept open. It is clarified that we have not expressed any opinion on the merits of the subject claim.

5. The writ petition stands disposed of accordingly.

6. The Registry to communicate this order to the Collector, Solapur, by way of fastest mode of communication.

7. The learned Counsel for the Corporation to communicate this order to the Commissioner of the Corporation.

G.S. KULKARNI, J.

ACTING CHIEF JUSTICE