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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1131 OF 2014

Ghanshyam Leeladhar Karia & Anr. .. Petitioners

Vs.

The Municipal Corporation of the City of
Nashik and ors. .. Respondents

Mr. P. J. Thorat for petitioners.
Mr. M. L. Patil for respondent nos.1 and 2.
Mr. P. P. Kakade, AGP for respondent no.3 – State.

CORAM: NARESH H. PATIL, ACTING CJ &
R. G. KETKAR, J.

SEPTEMBER 06, 2018.

P.C.

1. This petition is pending since last four years. The petitioners seek direction to respondent nos.1 and 2 to hand over vacant possession of eastern side portion admeasuring 779.20 sq.mtrs. of land from Final Plot No. 47 of Town Planning Scheme, Nashik No.II (Final), situate at Nashik. The remaining portion from Final Plot No. 47 has been handed over to the petitioners but the area from adjoining plot admeasuring 779.20 sq.mtrs. remained to be handed over. In spite of the order passed by this court

(Coram: A. S. Oka & A.A. Sayed, JJ,) on 3/3/2014, the Corporation has not filed any reply till date.

2. The petitioners claim that they have filed representations dated 11/11/2011 and 14/12/2012 (Exhs. K & L to the petition) addressed to the Commissioner, Municipal Corporation, Nashik, which have not yet been decided neither petitioners have intimated any decision so far on the said representations.

3. We observe that the petitioners are entitled to file comprehensive representation on the subject issue within two weeks from today addressed to the Commissioner, Municipal Corporation, Nashik. We direct the Commissioner to hear the petitioners and pass a brief reasoned order on the representation made by the petitioners. This exercise be completed within six weeks from the date of receipt of the representation from the petitioners. All issues on merits are kept open.

4. With the aforesaid observations, petition is disposed of.

Pravin
Dasharath
Pandit

R. G. KETKAR, J.

ACTING CHIEF JUSTICE

Digitally signed
by Pravin
Dasharath Pandit
Date: 2018.09.10
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