

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 630 OF 2018***

Aslam Sadulla Khan

Petitioner

Versus

The Chief Executive Officer,
Lonavala Municipal Council & Ors.

Respondents

Mr.Samir A. Vaidya, for the Petitioner.

Mr. A.A.Garge for respondent No.1.

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

Mr. N.P.Deshpande for the Respondent No.4.

CORAM : RANJIT MORE &

SMT. SADHANA S.JADHAV,JJ.

DATE :17th April, 2018.

P.C. :

The petitioner has questioned the legality of the construction carried out by respondent No.4 on Survey No 109(part) C.S.. No.12, Tungarli Village, Tal. Maval, District Pune. The petitioner claims that the said land belongs to him. The contention of the petitioner is disputed by Mr. Deshpande, learned counsel for respondent No.4. Mr. Deshpande submits that the construction is carried out after obtaining necessary permissions from the

Lonavala Municipal Council. He also submits that the title of the property is sub judice before the Civil Court.

2. Mr. Vaidya, learned counsel for the petitioner, having taken instructions from his client, seeks leave to withdraw the petition with liberty to make a detailed representation to Respondent No.1 – Chief Officer, Lonavala Municipal Council regarding the grievance of the petitioner about the legality or otherwise of the construction carried out by respondent No.4 on the land survey No.109 (part) C.T.S. No.12, Village Tungarli (Lonavala), Tal. Maval, Dist. Pune. Leave with liberty as prayed for is granted. Writ Petition is disposed of.

3. In the event such representation is filed by the petitioner within two weeks from today, the respondent No.1 Chief Officer shall decide the same as expeditiously as possible and preferably within six weeks from the date of filing of the representation. Needless to state that such representation shall be decided after hearing to all the concerned parties.

4. It is expressly made clear that this order should not be construed as an expression of any opinion on the merits of the matter. All points and contentions of the respective parties are kept open.

[SMT. SADHANA S.JADHAV, J.]

[RANJIT MORE, J.]