

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

PUBLIC INTEREST LITIGATION NO. 2 OF 2017

Nitesh Mohanlal Doshi

..Petitioner

v/s.

The State of Maharashtra & Ors.

..Respondents

Mr. Rakesh Agrawal for the Petitioner.

Mrs. Geeta Shashtri , AGP for the Respondent/State.

Mr. Sagar Patil for the M.C.G.M.

CORAM : RANJIT MORE &

SMT. ANUJA PRABHUDESSAI,JJ.

DATED : APRIL 27, 2018.

P.C.

1. Heard the learned Counsel for the petitioner. None appears on behalf of the respondent no.4, though served.
2. The learned Counsel for the petitioner at the outset makes a statement that he is restricting this petition to the relief claimed in prayer clause (b) which reads as follows:

(b) In the alternate to prayer clause (a) above, this Honourable Court be pleased to direct respondent no.2 to decide complaint/notice dated 3rd October, 2016 sent by

the petitioner by treating present petition as representation of the petitioner within period of 45 days or within such period as this Honourable Court deem fit and proper after following principles of natural justice.”

3. Thus, the petitioner has sought direction to the respondent no.2 to decide his representation dated 3rd October, 2016. The learned AGP, as well as the learned Counsel for the B.M.C. have no objection if directions are issued to the respondent no.4 to that effect.

4. In the light of the above, we deem it fit to dispose of the petition by directing the respondent no.2 Municipal Council to decide the representation dated 3rd October, 2016 filed by the petitioner (copy of which is at Exh. G to the petition) as expeditiously as possible, preferably within a period of three months from the date of receipt of this order.

5. Needless to mention that the Commissioner/Addl. Commissioner shall hear all concerned, before passing any order. It is made clear that we have not gone into the merits of the case. All points and contentions are kept open. The representation dated 3rd October, 2016 shall be decided independently, on its own merits and

in accordance with law.

6. In order to enable the Commissioner/ Addl. Commissioner to comply with this Order, the petitioner shall remain present before him on 7th June, 2018 along with copy of this order and copy of writ petition.

7. All concerned to act on an authenticated copy of this order.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)