

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

3 PUBLIC INTEREST LITIGATION NO.4 OF 2014

AMAR ASARAM PAWAR AND OTHERS

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioners : Shri Deshmukh Mahes S.

AGP for Respondent nos.1 & 2: Shri S.B. Yawalkar

**CORAM: PRADEEP NANDRAJOG, CJ &
R.G. AVACHAT, J.**

DATE: 27.09.2019

PER COURT :

1] As stated in the petition as per the development plan, user of plot CTS No.3899 is a Shopping Centre and Weekly Market. Respondent No.8 is the owner of the land. He has commenced construction without obtaining any permission in the form of a commencement certificate is the allegation made in the petition *prima facie* made good with reference to Annexure 'B' which is a notice dated 20.6.2012 issued by the Chief Officer, Municipal Council, Jamner, to respondent No.8 alleging that he has commenced construction of a building without obtaining a commencement certificate.

2] The grievance is to the authorities simply issuing a notice without taking the same to its logical conclusion.

3] We dispose of the petition directing the officer who issued notice dated 20.6.2012 to take the notice to its logical conclusion i.e. after hearing the noticee, pass the order required by law to be passed. If respondent No.8 has not obtained a sanction to construct the building and it is so recorded in the order, the unauthorized construction would be demolished.

4] If the officer who issued the notice is no longer holding the office, the *mandamus* would be complied with by the successor in-charge. The *mandamus* would be complied with within eight weeks.

5] Needless to state if respondent No.8 is aggrieved by any order passed pursuant to the show cause notice, he would be entitled to remedies as per law.

(R.G. AVACHAT, J.)

CHIEF JUSTICE