

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 8203 OF 2019

Chandadevi Sharad Jain

Petitioner

Versus

Dhule Municipal Corporation

Respondent

Mr. M.R. Wagh, Advocate for the petitioner.

Mr. A.S. Sawant, Advocate for the respondent.

CORAM : Ravindra V.Ghuge, J.

DATE : 05/07/2019

PER COURT :

1 I have heard the learned advocates for the respective sides.

2 Considering the order that I am passing, I am not required to advert to the entire contentions of the litigating sides.

3 The petitioner is the appellant in Regular Civil Appeal No. 104/2011. By application Exhibit 22, he had sought for production of the record and proceeding pertaining to the hearing that Dhule Municipal Corporation had conducted with reference to the notice dated 09.09.2011 issued to this petitioner. The grievance is that, the

record that has been produced before the concerned court pertains to the record in Regular Civil Suit No. 217/2011. By the impugned order dated 15.06.2019, the learned Principal District Judge has rejected the application Exhibit 22 on the ground that since five years have lapsed, the record and proceeding is not necessary.

4 Learned advocate Shri Sawant has graciously caused appearance on behalf of respondent-Corporation, on the request of the Court. He has rendered assistance to the Court by stating that the record and proceeding pertaining to the hearing conducted by the Corporation in relation to the notice dated 09.09.2011 issued under Section 81B of the Maharashtra Municipal Corporation Act, is a different proceeding and the same is available with the Corporation. He submits that whatever is the size of the record, be it a skeletal record or a voluminous record, the same would be produced before the learned Principal District Judge in Regular Civil Appeal No. 104/2011.

5 I appreciate the gesture of Shri Sawant, who has made this statement on instructions from the Officer present in the Court.

6 This petition is therefore disposed off with the following

directions :-

A) The respondent-Corporation shall produce the record that it possesses with reference to the hearing on the notice dated 09.09.2011 issued to the petitioner under section 81B of the Maharashtra Municipal Corporation Act, as expeditiously as possible, preferably on or before 26.07.2019.

B) After the record is produced, the petitioner shall not raise any objection as regards the document that has been produced on record and shall fully co-operate with the court in advancing final arguments in the appeal.

C) Since the appeal is pending from 2011 and the issue of alleged 42 encroached shops is being dealt with by the learned Court, the learned Principal District Judge shall ensure that the oral submissions of the litigating sides are concluded on or before 09.08.2019 and the appeal is decided as expeditiously as possible and preferably on or before 30.09.2019.

(Ravindra V.Ghuge, J.)