

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 1679 OF 2016

Hemant Mohan Agarwal & ors. ...Petitioners

Versus

State of Maharashtra & ors. ...Respondents

Mr. Pritvish Shetty, I/b Vidhi Partners, for the Petitioners.

Ms. K. N. Solunke, AGP for Respondent no.1/State.

Mr. D. P. Adsule, for Respondent nos.2 and 3.

**CORAM: R. M. BORDE &
N. J. JAMADAR, JJ**

DATED: 9th JULY, 2019

PC:-

- 1.** The Petitioners are aggrieved by an order passed by the Chief Officer, Kulgaon-Badlapur Municipal Council, on 2nd February, 2016, directing demolition of construction raised by the Petitioners. It is recorded in the order that there is a dispute as regards the title of the petitioners and the aforesaid factual aspect was not brought to the notice of the Chief Officer, when the development permission was granted.
- 2.** Mr. Shetty, the learned Counsel for the Petitioners, has placed on record the consent terms and decree passed in Special Suit No.204 of 2012. It is informed that the suit has been disposed of as withdrawn unconditionally against defendant nos.1 and 2 and decreed against defendant nos.3 to 6 therein in view of the Consent Terms (Exhibit 63).

3. Since the dispute between the parties has been resolved, it is desirable for the Chief Officer to reconsider as regards permissibility to continue with the impugned order dated 2nd February, 2016. It would be open for the Petitioners to tender copy of the orders i.e. Consent Terms and Decree passed in Special Suit No.204 of 2012, before the Chief Officer, for reconsideration. The Chief Officer shall take appropriate decision and reconsider the order dated 2nd February, 2016, and if deemed appropriate recall the same, as expeditiously as possible, preferably within a period of 15 days from today.

4. The writ petition stands disposed of accordingly.

[N. J. JAMADAR, J.]

[R. M. BORDE, J.]