

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 5147 OF 2018

M/s.Virat Construction Through
its Authorized Partner .. Petitioner
Versus
The Collector, Thane and ors .. Respondents

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Mr. G.S. Godbole with Ms.Shruti Tupple i/b Akshay Petkar for the petitioner.
Ms.A.A. Purav, AGP for the State.
Mr.A.S. Rao for respondent no.3.
Mr.S.A. Sawant with B.K.Barve, Sandeep Barve i/b B.K. Barve & Co. for respondent no.5.

**CORAM: SHRI RANJIT MORE &
SMT. BHARATI H.DANGRE, JJ.**

DATED : 13th FEBRUARY 2019

P.C:-

1 Heard.

2 The petitioner is challenging the communication dated 15th September 2017 and noticed dated 12th March 2018 and 9th March 2018 by the Tahsildar, Thane and Town Planning of Kalyan Dombivli Municipal Corporation.

3 Mr.Godbole, learned counsel for the petitioner contended that the communication dated 15th September 2017 as well as subsequent noticed by the Town Planning of Kalyan Dombivli Municipal Corporation were at the instance of opposition

Tilak

leader. He also submits that the Revenue Authorities i.e. Collector/Tahsildar has no business to direct the Corporation Authorities to issue direction.

4 We have gone through the communication and notices impugned in this petition. The communication dated 15th September 2017 merely points out to the Commissioner, Municipal Corporation certain discrepancies in the area column of the 7/12 extracts. By two other notices, Town Planning Department has asked the petitioner to show cause as to why the Planning Permission and Completion Certificate should not be cancelled, in the backdrop of the discrepancies pointed out by the Tahsildar.

5 As on today, no adverse order is passed against the petitioner and he is only directed to show cause as to why planning permission and completion certificate should not be revoked. The petitioner is at liberty to show cause to the Corporation by submitting appropriate reply. Mr. Godbole, in fact, submitted that such reply is already given and hearing is also concluded in April 2018, however, no further orders are passed. In these circumstances, in our opinion, petition need not be entertained. The same is disposed of by passing the following order :

ORDER

- (i) Petitioner is at liberty to submit additional reply to the show cause if he so desires, within a period of two weeks from today.

- (ii) Respondent Corporation / Competent Authority shall consider the petitioner's reply to the impugned show cause notices and pass appropriate order as expeditiously as possibly and preferably within a period of four weeks from the date of receipt of this order.

6 It is expressly made clear that we have not gone into the merits of the matter and all points and contentions of the respective parties are kept open.

7 In the event any adverse orders are passed against the interest of the petitioner, the same shall not be given effect to for a period of four weeks from the date of communication thereof to the petitioner.

8 We also make it clear that the issue as to the challenge of the Tahsildar's communication dated 15th September 2017 is expressly kept open, since we have not gone into the merits thereof.

(SMT. BHARATI H. DANGRE, J.)

(RANJIT MORE, J.)