

BDP-SPS

Bharat
D. Pandit

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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.6961 OF 2019**

Shri Samar Namdeo Nanekar

... Petitioners

V/s

The Commissioner
Pimpri Chinchwad Municipal
Corporation, Pimpri and Others

.... Respondents.

Mr. Mandar Limaye for the Petitioners.

Mr. C.D. Mali, AGP for Respondent Nos. 3 and 4.

CORAM: NITIN W. SAMBRE, J.

DATE: 9th July, 2019

P.C.:-

1] Since the relief claimed in the Petition is primarily directed against Respondent Nos. 3 and 4, notice to Respondent Nos. 1 and 2 is dispensed with.

2] In the Petition, in para 27, Petitioner has made a categorical statement that before the order of dismissal of appeal was passed by the State Government viz. Minister, Petitioner was neither put to notice nor he was heard. According to him, he could have satisfied the State Government on the maintainability of appeal.

3] On perusal of the order impugned dated 21/05/2019, it is noticed that, it also does not speak of any notice being served on the Petitioner or the Petitioner having been offered an opportunity of hearing.

4] That being so, the order impugned dated 21/05/2019 passed by Respondent No.4 is quashed and set aside. Appeal preferred by the Petitioner stood restored to the file of the State Government alongwith interim order, as was operating in favour of the Petitioner. While deciding the appeal of the Petitioner, if it is maintainable, the Minister shall have regard to the fact that the Petitioner has complied with the requirements, as are reflected in the notice dated 16/11/2018 issued by the Executive Engineer of the Respondent-Corporation.

5] With the above observations, Petition stands partly allowed.

(NITIN W. SAMBRE, J.)