

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 4926 OF 2016

Shashikant Laxman Kharat .. Petitioner

Versus

Khopoli Municipal Council and Ors. .. Respondents

Mr.Siddhesh Pilankar i/by Uday Warunjikar for the petitioner.

Mr. Ruchir Tolat i/by L.C. Tolat for respondent no. 2.

Mr.R.S. Datar for respondents.

CORAM : B.P. DHARMADHIKARI &
SANDEEP K. SHINDE, JJ.
DATE : OCTOBER 11, 2019

P.C.:

The order passed by the Collector rejecting the application under section 308 of Maharashtra Municipal Council Nagar Panchayat and Industrial Township Act, 1965 is being questioned by the petitioner on the ground that the subject plot No.3986 is reserved for hospital and as such hospital could not have been constructed on some other plot.

2. After hearing the respective counsel, we find that though the Municipal Council prepared itself to construct hospital on CTS No.3986, because of litigation it could not succeed. Litigation went right upto the Hon'ble Apex Court.

3. On account of this uncertainty and urgent need, Municipal Council removed its existing old dispensary and constructed the hospital there. According to municipal council that hospital is sufficient to cater to the needs of residents.

4. In this situation, contention raised appears to be erroneous. No cause of action can be said to have accrued as reservation of CTS No. 3986 is still not deleted. Hence, with liberty to the petitioner to approach if any cause of action arises, we dispose of the present petition.

(SANDEEP K. SHINDE, J.)

(B.P. DHARMADHIKARI, J.)