

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 10921 OF 2018

Nageshwar Shiva Charitable
Trust and Ors.

....Petitioners

V/s.

The City & Industrial Development
Corporation and Ors.

....Respondents

Mr. S.N. Gavade i/by. Shree & Co., Advocate for the
petitioners.Mr. Ashutosh Kulkarni, Advocate for respondents
no.1 to 3.

Mrs. M.S. Srivastav, AGP for State.

**CORAM : B.P. DHARMADHIKARI, &
SANDEEP K. SHINDE, JJ.****Tuesday, 1st October, 2019.****P.C. :**

1. Heard for sometime. Respondents no.1 to 3 have no objection if representation made by petitioner is directed to be considered by Competent Authority in time bound manner.

2. According to the petitioner, structure of temple is in existence since 1978 and as such it is not affected by any subsequent Development Control Regulation.

3. Learned Counsel appearing for respondents no.1 to 3 disputes this.

4. We, however, find that initially notice issued by respondents no.1 to 3 to the petitioner is dated 20th February, 2001. Notice was then repeated on 6th January, 2005. Petitioner claims that after receipt of this notice, he has also submitted a representation on 14th March, 2001 and thereafter sent various letters.

5. We do not wish to go into any disputed issue at this stage.

6. The dispute regarding temple structure appears to be pending since last 19 years even as per the records before us.

7. We therefore direct respondents no.1 to 3 to take suitable decision as per their scheme on request of petitioner.

8. Petitioner to appear before respondent no.3 on 4th November, 2019. Respondent no.3/appropriate Authority shall thereafter hear the petitioner, peruse necessary records and take suitable decision in next three months.

9. With these directions and keeping all rival contentions open, we dispose off the petition.

(SANDEEP K. SHINDE, J.)

(B.P. DHARMADHIKARI, J.)