

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 13132 OF 2018

Pramod Gajanan Sankhe

... Petitioner

Versus

Palghar Municipal Council, Palghar and Ors.... Respondents

Mr. R.A. Shaikh for the petitioner.

Mr. B.D. Joshi for respondent no. 1.

Ms. M.S. Srivastava, AGP for the State.

CORAM : B.P. DHARMADHIKARI &
SANDEEP K. SHINDE, JJ.
DATE : SEPTEMBER 25, 2019

P.C.:

Petitioner contends that the alleged offending construction was completed in the year 2000 and for it completion certificate and occupancy certificate has already been issued. Learned counsel for the Municipal Council submits that after receipt of the representation from the petitioner, Municipal Council has decided to examine the matter and fresh opportunity of hearing is being extended to the petitioner. For that purpose, notice dated 10/10/2018 is being withdrawn.

2. In this situation, as the cause of action does not survive, we direct the petitioner to appear before Municipal Council and

explain to it the position. Petitioner shall appear before the Municipal Council or its competent officer on 06/11/2019. Municipal Council shall take a fresh decision in the matter within next three months.

3. With these directions, we dispose of the writ petition.

(SANDEEP K. SHINDE, J.)

(B.P. DHARMADHIKARI, J.)