

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 7086 OF 2019

Snehlata Wd/o Vilas Gaikwad and Ors. ...Petitioners

Versus

The State of Maharashtra and Ors. ...Respondents

Mr S.A. Wakure, Advocate for Petitioners

Mr S.B. Narwade, AGP for Respondent No. 1

Mr V.B. Deshmukh, Advocate for Respondent No. 2

Mr S.S. Choudhary, Advocate for Respondent No. 3

**CORAM : S.V. GANGAPURWALA
AND
SHRIKANT D. KULKARNI, JJ.**

DATE : 30TH JANUARY, 2020

PER COURT :

1. Heard the learned Counsel for the parties.
2. The grievance of the petitioners is that the construction permission granted to the petitioners is cancelled by respondent No. 2 without notice to the petitioners and without hearing the petitioners.
3. It appears from the order passed by respondent No. 2 that the construction permission granted to the petitioners is cancelled, however, without notice to the petitioners. When the construction permission was already granted and the same was to be cancelled at the behest of another party, the petitioners ought to have been put to notice.

4. In the light of the above, the impugned order is quashed and set aside. The respondent No. 2 may reconsider the objection of respondent No. 3 after hearing the petitioners and respondent No. 3.

5. The petitioners and respondent No.3 shall appear before respondent No. 2 on 12th February, 2020. They shall put forth their stand before the respondent No. 2. The respondent No. 2 shall consider the stand put forth by the petitioners and respondent No. 3 and thereafter take decision afresh, preferably within a period of three months from the date, the petitioners and respondent No. 3 appear before him. Till the decision is taken by respondent No. 2 afresh, the petitioners shall also not make any further construction pursuant to the permission.

6. The writ petition is accordingly disposed of. No costs.

7. All contentions kept open.

[SHRIKANT D. KULKARNI, J.] [S.V. GANGAPURWALA, J.]

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