

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****WRIT PETITION NO. 9588 OF 2017**

Pushpa Devram Jejurkar

... Petitioner

Versus

Tarachand Devidas Gupta and others

... Respondents

.....

Mr. Swapnil Walve for the Petitioner.

Ms. A.A. Purav, AGP for the Respondent-State.

Mr. M.L. Patil for Respondent No.3.

.....

CORAM : S.J. KATHAWALLA AND**B.P. COLABAWALLA, JJ.****DATED : JANUARY 2, 2020.****P.C. :-**

1. By the above Writ Petition, the Petitioner has impugned the final notice dated 1st June, 2016 received from the Nashik Municipal Corporation for demolition of the unauthorized construction.

2. The Petitioner first received a show cause notice on 30th November, 2015 from Nashik Municipal Corporation qua the alleged unauthorized construction. The Petitioner failed and neglected to respond to the same. The Petitioner also failed to attend the hearing or to make any submissions. The Corporation again issued a notice on 2nd March, 2016. On 1st June, 2016, the Corporation issued a final notice to the Petitioner for demolition of the unauthorized construction. The Petitioner thereafter

made a representation on 3rd June, 2016 to the Corporation in response to the notice dated 2nd March, 2016.

3. In view of the aforestated conduct of the Petitioner, she is not entitled to any relief. However, only because, the Advocate for the Petitioner states that the Petitioner is a very old lady and was unable to respond to the notices issued by the Corporation due to her advanced age, we direct the Corporation to consider the representation of the Petitioner dated 3rd June, 2016 in accordance with law and decide the same on or before 20th January, 2020. The Petitioner shall remain present before the Executive Engineer (Town Planning), Nashik Municipal Corporation, by herself and/or through her Advocate, on 10th January, 2020 at 12.00 noon and make her submissions, if any. The above Writ Petition is accordingly disposed off.

(B.P. COLABAWALLA, J.)

(S.J. KATHAWALLA, J.)