

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO.2572 OF 2021
IN
WRIT PETITION NO.9311 OF 2019

Devdas Sudam Jadhav & Anr. .. Applicants

In the matter between :-

Chandrabai Dhondi @ Dhondiba Tupe .. Petitioner

Versus

Devdas Sudam Jadhav & Anr. .. Respondents

...

Mr.V.S.Talkute for the Applicants.

Mr.Sarjerao Patil i/b Mr.Sachin Pawar for the
Respondent/Petitioner.

...

CORAM: BHARATI DANGRE, J.

DATED : 29th NOVEMBER, 2021

P.C:-

1. In furtherance of the order dated 25/10/2021, learned counsel Mr.Talkute appearing for the applicants, informs that the competent authority to grant sanction is the Panchayat Samiti, since the Gram Panchayat and the Sarpanch of Parali Gram Panchayat, vide communication dated 04/05/2021, has intimated the applicants that Gram Panchayat is not vested with the powers to grant sanction to the construction raised by them.

2. In the wake of the statement that the Panchayat Samiti is the competent authority, upon an application being made in terms of the directions issued by this Court on 04/02/2021, permitting an application to be preferred to the Gram Panchayat seeking sanction for construction, the competent authority if it is the Panchayat Samiti, on an application being made, shall consider grant of sanction, if permissible. The pendency of the writ petition, shall not preclude the authorities from grant of sanction to the construction, if it is permissible in law.

3. Needless to state that by order dated 04/02/2021, it is made clear that once such sanction is granted, the respondent is at liberty to approach this Court for vacation of the interim order. In the wake of the above, depending on the outcome as to whether sanction is granted or not, the applicants are at liberty to take out further application.

4. Interim Application stands disposed of.

(SMT. BHARATI DANGRE, J.)