

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****WRIT PETITION NO. 4589 OF 2021**

Vitthalrao Naik Nimbalkar ... Petitioner

Versus

State of Maharashtra and others ... Respondents

Mr. D.V. Sutar instructed by Mr. Nirmal Pasaria for the Petitioner.

Mr. S.S. Panchpor, AGP for the State.

CORAM : S.J. KATHAWALLA AND

MILIND N. JADHAV, JJ.

DATED : AUGUST 25, 2021.

P.C. :-

1. The above Writ Petition is filed by the Petitioner inter alia seeking the following reliefs :

“(a) This Hon’ble Court be pleased to call for relevant record and proceedings from the office of Respondent Nos.3 and 4 and after going through the legality, validity and propriety of the same, direct the Respondent No.4 to take action in accordance with letter dated 20.01.2020 sent by the Respondent No.3 and forward the proposal of the Petitioner’s land to the Respondent No.4 with recommendation within time bound period; for that purpose issue appropriate writ and/or order.

(b) This Hon’ble Court be pleased to further direct the Respondent No.3 to grant final sanction under Section 44 of Maharashtra Land Revenue Code, 1966 in respect of land bearing Gat No.642/A admeasuring H. 5.06 R. (50,600 sq.mts.) situated at Village Hatkanangale, Tal. Hatkanangale, Dist. Kolhapur within time bound period.”

2. There is substantial correspondence exchanged between the Petitioner and

Respondent Nos.3 and 4. It is submitted on behalf of Respondent Nos. 3 and 4 that in the letter dated 29th December, 2020 issued by the Assistant Director, Town Planning, Kolhapur to the Sub-Divisional Officer, Ichalkaranji, it is recorded that the Petitioner has been repeatedly asked to file several documents including maps, plans etc. with the Respondents. However, the Advocate for the Petitioners states that the letter dated 29th December, 2020 is not received by the Petitioners. In view thereof, we pass the following order :

- (i) The Petitioners shall forward their response to the letter dated 29th December, 2020 to the Sub-Divisional Officer, Ichalkaranji within a period of two weeks from today alongwith the copies of all the documents required by the Respondents.
- (ii) The Sub-Divisional Officer, Ichalkaranji shall forward the response received from the Petitioners to the Assistant Director, Town Planning, Kolhapur within a period of one week thereafter.
- (iii) The Assistant Director, Town Planning, Kolhapur shall give a hearing to the Petitioner as well Respondent No.5 within a period of one week thereafter and pass a speaking order within a period of two weeks thereafter.
- (iv) All contentions of the parties are kept open.

3. The above Writ Petition is accordingly disposed off.

(MILIND N. JADHAV, J.)

(S.J. KATHAWALLA, J.)