

R.M. AMBERKAR
(Private Secretary)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 11934 OF 2018

Dipali Marutrao Deshmukh (Gadhawe)

.. Petitioner

Versus

State of Maharashtra & Ors.

.. Respondents

-
- Mr. Nilesh Wabale i/by Mr. Sumit Khair for the Petitioner
 - Mr. P.G. Sawant, AGP for Respondent No. 1 State
 - Mr. V.S. Talkute for Respondent Nos. 2 and 3
 - Mr. Abhishek P. Deshmukh i/by Dr. Prakash Deshmukh for Respondent Nos. 4 to 19
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**CORAM : S.J. KATHAWALLA &
MILIND N. JADHAV, JJ.**

DATE : JULY 6, 2021.

P.C.:

By the above Writ Petition, the Petitioner has prayed for the following reliefs:-

- "(a) That this Hon'ble Court may be pleased to issue an appropriate Writ or order, award, and / or direction and be pleased to direct Respondent No. 2 to take action as per Sections 52, 53 and 54 of the Maharashtra Regional and Town Planning Act, 1966 & Section 189 of the Maharashtra Municipal Council, Nagar Panchayats & Industrial Townships Act, 1965 & stop the illegal construction & demolish illegal construction of Respondent Nos. 4 to 19 carried out on property No. 536, 536/1, 536/2, 536/3 & Gat No. 1001 situated at Village Khandala, Tal - Khandala, Dist. Satara.
- (a-1) That this Hon'ble Court may be pleased to issue an appropriate Writ or order and / or direction and be pleased to direct to initiate the enquiry against the officer of Respondent No. 3."

2. Petitioner has filed Complaint with Respondent No. 2 alleging that Respondent Nos. 4 to 19 are carrying out illegal construction which is causing prejudice to the Petitioner. Admittedly, Respondent No. 2 has issued Notices dated 14.12.2017, 07.04.2018 and 03.08.2018 to Respondent Nos. 4 to 19 but has thereafter not pursued the same.

3. Learned Advocate appearing for Respondent Nos. 2 & 3 states that Mr. Yogesh Doke has been appointed as Chief Executive Officer of Khandala Nagarpanchayat only a few months back and he has instructed him to inform the Court that Respondent No. 2 will immediately take action pursuant to the aforesaid notices in accordance with law. The statement is accepted as an undertaking given to the Court.

4. If Respondent Nos. 4 to 19 file any proceedings to impugn the action taken by Respondent No. 2, the same shall be decided strictly on merits.

5. All contentions of the parties are kept open.

6. In view of the above order, prayer clause (a-1) is not pressed by the learned Advocate for the Petitioner on instructions.

7. Writ Petition stands disposed of.

[MILIND N. JADHAV, J.]

[S. J. KATHAWALLA, J.]