

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO.3665 OF 2018

Sanjay Rambhau Gaikwad, Shivaji Nagar, Buldana

-vs-

State of Maharashtra, Thr. Its Secretary, Dept. of Urban Development, Mantralaya, Mumbai and
ors.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri Ram Karode, Advocate for petitioner.

Shri A. M. Kadukar, Assistant Government Pleader for respondent
Nos.1 and 2.

Shri Abhay Sambre, Advocate for respondent No.3.

Smt R. S. Sirpurkar, Advocate for respondent No.4.

CORAM : A. S. CHANDURKAR AND G. A. SANAP, JJ.

DATE : December 13, 2021

P.C.

Rule. Rule made returnable forthwith and heard the
counsel for the parties.

The grievance of the petitioner as raised in the writ
petition is against the order of regularisation dated 20/06/2015
passed by the Chief Officer, Municipal Council, Buldana. By that
order plot No.1 from Survey No.4/1 at mouje Buldana has been
regularised under the Maharashtra Gunthewari Developments
(Regulation, Upgradation and Control) Act, 2001. In the writ
petition it is further stated that on 01/01/2018 the petitioner
along with other residents of the area had approached the
Collector making a grievance with regard to such orders of
regularisation. In this backdrop the petitioner has challenged
the order of regularisation dated 20/06/2015.

Reply has been filed by the respondent Nos.4 to 6 objecting the locus of the petitioner to pursue the prayers as made in the writ petition. In addition it has been stated in paragraph 27 of the affidavit that pursuant to the complaint dated 01/01/2018, the Collector has undertaken an enquiry in the matter and the matter is presently with the Collector.

We have heard the learned counsel for the parties. An objection is raised on behalf of respondent Nos.4 to 6 to the maintainability of the writ petition on the ground that the same has been filed by the petitioner to subserve his own interest. Considering the nature of directions which we propose to issue, we do not find it necessary at this stage to go into this aspect. This is for the reason that the representations/complaints in that regard are pending before the Collector. One such representation is dated 01/01/2018 followed by another representation dated 13/04/2018 made by the petitioner. It is for the Collector to consider the matter in accordance with law after giving due opportunity to any party likely to be affected by such consideration. The Collector is therefore directed to consider the aforesaid representations/complaints in accordance with law on their own merits. A decision on the same be taken within a period of four months from today after giving due notice to the parties likely to be affected by such adjudication. All points raised by the parties in these proceedings are kept open for being raised before the Collector.

Writ Petition is disposed of in aforesaid terms. No order as to costs.