

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

78 WRIT PETITION NO.9815 OF 2022

**RAKHI SANJAY BHARUKA
VERSUS
STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND OTHERS**

...
Advocate for Petitioner : Mr. S.M. Agrawal
AGP for Respondent Nos. 1 & 2 : Mr. S.G. Karlekar
Advocate for Respondents Nos. 3 & 4 : Mr. S.S. Tope

...

**CORAM : RAVINDRA V. GHUGE &
ARUN R. PEDNEKER, JJ.**

DATED : SEPTEMBER 27th, 2022.

PER COURT :

1. Leave to correct the description of respondent No. 1.
2. The only grievance put forth by the petitioner is that his appeal dated 11th May 2015 filed before the Principal Secretary, Urban Development Department, Mantralaya has been dismissed in default on account of deficit Court fees of Rs.50/-.
3. The contesting respondents in the appeal are the Aurangabad Municipal Corporation through it's Commissioner and the Assistant Director of Town Planning, Municipal Corporation, Aurangabad.
4. We have considered the submissions of the learned advocate for the petitioner, Shri S.S. Tope on behalf of respondent Nos. 3 and 4 and the learned AGP on behalf of respondent Nos. 1 and 2.
5. Considering the peculiar reason for which the appeal has been dismissed, the order dated 20.12.2021 is quashed and set aside.

The appeal dated 11th May 2015 stands restored to the file of respondent No. 1. The petitioner and the respondent Corporation shall appear before respondent No. 1, on 10th October, 2022 at 11.00 a.m. in Mantralaya Mumbai. The parties shall abide by the dates of hearing as may be granted by the Principal Secretary/competent authority.

6. The petitioner shall deposit the deficit Court fees of Rs.50/-, on 10th October, 2022. We expect respondent No. 1 to decide the said proceedings, on or before 30th December, 2022, on it's own merits.

7. This petition is partly allowed.

[ARUN R. PEDNEKER J.]

[RAVINDRA V. GHUGE, J.]

SSC/