

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5424 OF 2021

Umakant Nanasaheb Shinde.

...Petitioner.

Versus

the Satara Dist. Municipal Council and Others.

..Respondents.

Mr. Pradeep J. Thorat i/b Aditi S. Naikare for the Petitioner.

Mr. P. B. Gujar, for Respondent No. 1 and 2.

CORAM : PRASANNA B. VARALE &
SHRIKANT D. KULKARNI, JJ.

Date : July 6, 2022.

P. C. :

1. Not on board. Learned counsel appearing on behalf of the Petitioner has moved a praecipe and sought urgent orders in the matter. We heard the learned counsel for Petitioner.

2. Considering the limited grievance raised in the petition, we deem it appropriate to dispose of this petition with certain directions. The Petitioner who claims to be an owner and occupier of certain property situated in CTS No. 233/A/1 in area know as Shaniwar peth, Satara submitted a representation / application to Respondent no.2–the Chief Officer, Satara Municipal Council, Satara. It may not be necessary for us to refer to the details in the said application. Suffice it to say that the Petitioner has some grievance about the construction erected by Respondent no.3. The Petitioner had approached the civil Court at Satara by filing a suit being

Regular Civil Suit No.423 of 2019. It is stated in the application / representation that on an interim application, order was passed by the Court on 14th November 2019 and Respondent no.3 has not only flouted the order of the civil Court but also erected an additional construction and was indulging in an act of change of user, namely, the residential property was utilised for commercial purpose. The Petitioner apprised Respondent no.2 on all these facts and sought for initiation of necessary action. As there was no response, the Petitioner has approached this Court by filing the present writ petition.

3. Considering all these facts and particularly the relevant dates, namely, the date of presenting an application / representation - 12th March 2021, and the date of filing of present writ petition in this Court - 30th July 2021, it seems that the application / representation was pending before the council for a short period.

4. Learned counsel for Respondent No.2 submitted that the application / representation of Petitioner would be decided on its own merits.

5. Accepting the statement made on behalf of Respondent no.2 and observing that this Court has not made any observation on the merits of application / representation, Respondent no.2 is directed to decide the said application / representation dated 12th March 2021 on its own merits and by following the principles of natural justice meaning thereby giving an opportunity of hearing to the parties. The said application / representation

be decided as expeditiously as possible and not later than twelve weeks from the date of receipt of a copy of this order.

6. Writ petition is disposed of with the above directions.

7. All concerned to act upon a copy of this order issued by the Registry of this Court as an authenticated copy of the order.

[Shrikant D. Kulkarni, J.]

[Prasanna B. Varale, J.]