

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 1761 OF 2021

Smt. Hirabai Swarupchand Kankariya ... Petitioner

V/s.

The Executive Engineer and Ors. ... Respondents

Mr. Ramesh L. Majgaonkar for the Petitioner.

Mr. A.A. Garge for the respondent nos. 1 and 2.

Mr. N.K. Rajpurohit, AGP for the respondent no. 3.

Mr. Nitin P. Deshmukh for the respondent no. 4.

**CORAM : PRASANNA B. VARALE AND
KISHORE C. SANT, JJ.**

DATED : AUGUST 1, 2022.

P.C. :

. The Petition was before this Court on Friday i.e. 29th July 2022 . The learned counsel appearing for the respondent nos. 1 and 2 as well as learned AGP and learned counsel appearing for respondent no. 4 have vehemently submitted that the petition suffers from delay and laches. The learned counsel for the petitioner prayed for sometime to take instructions from the petitioner.

2. Today, heard the learned counsel for the petitioner. The present petition is filed on 17th January 2019, challenging a notice issued by the respondent no. 1 on 13th June 2017. There is no single

word in the petition giving any explanation as to why the petition is filed after two years. The learned counsel for the petitioner made an attempt to submit that there were certain orders passed by the authorities of the Corporation. He invited our attention to the documents placed on record, which are in the form of a communication dated 19th December 2001 addressed to one Shri Motilal Chordiya and Shri Mansukhlal Chordiya, who are the, residents of Lonavala and certain copies of the legal notices issued to the Chief Officer, Lonavala Municipal Council, Lonavala. Even these notices came to be issued at the instance of one Shri Motilal Chordiya and Shri Mansukhlal Chordiya and the notices are of the year 2001-2002 respectively. We are unable to find any document placed on record to satisfy this Court that the petitioner made any attempt to approach the authority to raise her grievance within time and directly by way of present petition filed in the year 2019. The notice dated 13th June 2017 is challenged.

3. Now coming to the notice under challenge. the perusal of the copy of the notice placed on record at Exhibit-J to the petition, shows that by way of the said notice the petitioner was called upon to submit various documents and it is stated in the notice that due to non-availability of those documents, the authority is unable to consider the application filed at the instance of the applicant / petitioner.

4. It was also informed to the petitioner that if the petitioner provides necessary documents, the authority would undertake the exercise of scrutiny of those documents and submit application of the

petitioner to the expert committee constituted under the directions of this Court in Public Interest Litigation No. 93 of 2007.

5. It is further informed to the petitioner that upon decision of the expert committee, further appropriate action would be initiated. Thus, even this notice is only indicating that the petitioner to submit necessary documents and informs that how these documents are necessary for consideration of the application of petitioner.

6. Considering all these aspects, we are of the opinion that the petition firstly suffers from delay and laches and secondly is devoid of any merits. Accordingly, the petition stands dismissed.

(KISHORE C. SANT, J)

(PRASANNA B. VARALE, J)