

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.6195 of 2022**

Dinesh Nathu Patel and ors.Petitioners

Versus

The State of Maharashtra and ors.Respondents

Dr. Uday Warunjikar i/b. Mr. Siddesh A. Pilankar, Advocate for the Petitioners.

Mr. A. I. Patel, Addl.GP for Respondent - State

Mr. Sharique Nachan i/b. Mr. Chinmay Acharya, Advocate for the Respondent Nos.4 and 5a to 5c.

**CORAM : R. D. DHANUKA &
S. G. DIGE, JJ.**

DATE : 22nd NOVEMBER, 2022.

P.C. :

1. Learned counsel appearing for the parties invited our attention to the order dated 25th November, 2021, passed by the Sub-Divisional Officer annexed at page 179 of the petition stating that appropriate orders could not be passed by him since Assistant Director of Town Planning has not submitted his remarks and the petitioners have not supplied certain documents/information.

2. Dr. Warunjikar, learned counsel for the petitioners stated that his clients have already furnished the requisite documents along with letter dated 18th November, 2022 to the Sub-Divisional Officer. The statement is accepted.

3. The Assistant Director of Town Planning is directed to submit his remarks/report to the Sub-Divisional Officer to enable the Sub-Divisional Officer to pass an order as stated in the said order dated 25th November, 2021, within four weeks from the date of the Assistant Director of Town Planning submitting his remarks.

4. Respondent Nos.4 and 5 are permitted to appear before the Sub-Divisional Officer. The copies of the documents and details furnished by the petitioners to the Sub-Divisional Officer shall be furnished by the petitioners to learned counsel for respondent Nos.4 and 5 within one week from today.

5. Respondent Nos.4 and 5 would be at liberty to file their say to the documents and details furnished by the petitioners to the Sub-Divisional Officer within one week from the date of petitioners supplying information/details and copy of the same be served upon the petitioners' advocate.

6. The Sub-Divisional Officer, while passing the order, shall consider the arguments of the petitioners as well as respondent Nos.4 and 5 and the documents produced by them.

7. The orders that would be passed by the Sub-Divisional Officer shall be communicated to the Assistant Director of Town Planning within one week from the date of passing the order.

8. If any party is aggrieved by the orders that would be passed by the Sub-Divisional Officer, then, such party would be at liberty to file appropriate proceedings permissible in law.

9. It is made clear that this Court has not expressed any views on the merits of the representation made by the petitioners and the objections raised by respondent Nos. 4 and 5. All contentions of both parties are kept open.

10. The writ petition is disposed of in aforesaid terms. No order as to costs.

11. Place this matter for reporting compliance on **23rd January, 2023.**

(S. G. DIGE, J.)

(R. D. DHANUKA, J.)