

R.M. AMBERKAR
(Private Secretary)

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 4069 OF 2021

Bhikaji Anant Bendke

.. Petitioner

Versus

The State of Maharashtra & Ors.

.. Respondents

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- Mr. A.S. Khandeparkar i/by Mr. Yogesh S. Palve for the Petitioner
 - Mr. G.H. Keluskar for Respondent No. 2
 - Ms. S.D. Vyas, 'B' Panel Counsel for the State
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**CORAM : S.J. KATHAWALLA &
MILIND N. JADHAV, JJ.**

**DATE : FEBRUARY 04, 2022
(Through Video Conferencing)**

P.C.:

. By the above Writ Petition, the Petitioner has impugned the notice dated 14.01.2021 received from Respondent No. 2 - Uran Nagarparishad, Uran issued under Sections 53 and 54 of the Maharashtra Regional and Town Planning Act, 1966 (MRTP Act) calling upon the Petitioner to demolish the unauthorized works carried out on the property described therein within a period of 30 days from the date of receipt of the notice.

2. The said notice is issued without giving a hearing to the Petitioner and only on the basis of the complaint received from the adjoining owner i.e. Respondent No 6. It is the case of the Petitioner before us that the impugned structure is assessed since the year 1984. However, the learned Advocate appearing for the Nagarparishad states that the assessment receipt pertains

only to a shed which was used by the Mali (Gardener) and the impugned notice pertains to the four galas and single storey structure. Be that as it may, we direct Respondent No. 2 not to act on the impugned notice dated 14.01.2021 and instead, give a hearing to the Petitioner and / or his Advocate and all the concerned parties on 18.02.2020 at 12.00 noon and after considering their oral as well as written submissions, if any, pass a speaking order strictly on merits within a period of one week from the date of hearing.

3. In the event of the order passed by Respondent No. 2 being against the Petitioner, the same shall not be implemented for a period of two weeks from the date of service of the said order on the Petitioner and / or his Advocate.

4. All contentions of the parties are kept open.

5. In view of the above, the Writ Petition is disposed of.

[MILIND N. JADHAV, J.]

[S.J. KATHAWALLA, J.]

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