

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

WRIT PETITION NO. 4656 OF 2022

Mrs. Malti Tulsidas Gavand	... Petitioner
Vs	
State of Maharashtra & Ors.	... Respondents

Mr. Gireesh U. G. Menon for the Petitioner
Mr. S. V. Gavand for the Respondent
Ms K. N. Salunke, AGP for the Respondent-State.

**CORAM : A. A. SAYED &
 ABHAY AHUJA, JJ**

DATED : 21st APRIL, 2022

P.C.:

Leave to add CIDCO as party Respondent.

2. It is an admitted position that the alleged unauthorized construction has been carried out in the Petitioner's own land.
3. Learned Counsel for the Petitioner states that he is only seeking the relief that the Representation dated 12.11.2021 of the Petitioner at Exhibit-I, page no. 58 of the Petition be decided.
4. We accede to the request of the learned Counsel and direct the Respondent-Corporation to decide the Representation of the Petitioner within a period of six weeks from today.

5. We make it clear that in the event it is found that the construction is unauthorized, appropriate action shall be taken by the Respondent-Corporation. In the event the Representation is rejected, it will be open for the Petitioner to file a suit.

6. Learned Counsel for the Respondent-Corporation states that the Respondent-Corporation may not have jurisdiction and it would be the Respondent-CIDCO which may have jurisdiction to decide the Representation. We further make it clear that in the event the Representation is rejected on the ground that the Respondent-Corporation has no jurisdiction to decide the Representation of the Petitioner, the Petitioner would be at liberty to make a fresh Representation to Respondent-CIDCO. If such Representation is made to Respondent-CIDCO, the same shall be decided within a period of six weeks from the date of Representation.

7. The Petition to disposed of in the aforesaid terms.

ANANT
KRISHNA
NAIK

Digitally signed by
ANANT KRISHNA
NAIK
Date: 2022.04.27
16:11:05 +0530

(ABHAY AHUJA, J.)

(A. A. SAYED, J.)