

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 8605 OF 2022**

Vishnu Ganpat Ghavate and anr.Petitioners

Versus

The State of Maharashtra and anr.Respondents

Mr. Sachin S. Punde, Advocate for the Petitioners.
Ms. M. S. Bane, AGP for respondent Nos.1 and 2.

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

DATE : 25th JULY, 2022.

P.C. :

1. Mr. Punde, learned counsel for the petitioner, at the outset, orally prayed for leave to amend the petition, firstly, to correct the status of respondent No.2 in the cause title of the petition from “the Metropolitan Commissioner” to **“the Metropolitan Commissioner and Chief Executive Officer”** and, secondly, to substitute the document at page 56 as it is illegible and not placed on record in proper sequence. Leave as prayed for, is granted. Necessary amendment be carried out by Friday, 29th July, 2022.

2. Considering the grievance raised in the petition and considering the documents placed on record, we are of the opinion that the petition can be disposed of at the admission stage by dispensing with the requirement of issuance of notice to the respondents.

3. From the perusal of the documents placed on record, it reveals that the petitioners are the residents of an area viz. Village Manjari Budruk, Taluka Haveli, District Pune. Respondent No.2 made an appeal by publishing the same in local newspaper calling upon objections in case there are illegal, irregular and unauthorized constructions. A copy of the said public notice, placed on record at Exhibit – C, page 18, shows that respondent No.2 referred to a mobile app for raising such grievance and also assured non-disclosure of identity of such objector. The petitioners initially submitted an application in respect of certain construction activities in the area of Manajri Budruk, Taluka Haveli, District Pune on 3rd February, 2021 and subsequently, a legal notice was also issued on 5th October, 2022, through lawyer to four persons and copy of the same was addressed to the Collector, Pune, as well as respondent No.2. In the said notice, a reference was also made to certain court proceedings viz. regular civil suit No.1156 of 2018 and special civil suit No.1557 of 2019. Perusal of the documents further shows that on receipt of the copy of the notice, the officer of respondent No.2-Corporation i.e. Assistant Planning Officer by communication dated 2nd March, 2021, called upon two person viz. Santosh B. Murkute and Mr. Satish B. Gupta to submit their explanation pursuant to the legal notice. A copy of the said communication is placed on record at Exhibit -E, page 25. The submission is that though much time has been elapsed post issuance of communication dated 2nd March, 2021, till date of filing of the petition,

there has been no progress in the matter. It is also submitted that when the authority itself called upon citizens to submit necessary objections, the authority was duty bound to complete the exercise within reasonable period.

4. Considering these very grievances, we deem it appropriate to dispose of the petition with direction to Respondent No.2 to take appropriate steps in pursuance of the communication dated 2nd March, 2021 and if needed to pass appropriate orders as expeditiously as possible.

5. We further make it clear that this Court has not made any observations of the merits of the notice. We also reiterate that notice makes reference to two civil proceedings viz. one regular civil suit and another special civil suit. As such, respondent No.2 can certainly call necessary instructions insofar as these proceedings are concerned and, on considering all these material aspects, shall pass appropriate order as expeditiously as possible.

6. With the above directions, the writ petition is disposed of.

7. All concerned to act upon a copy of this order, duly authenticated by the Registry of this Court.

(KISHORE C. SANT, J.)

(PRASANNA B. VARALE, J.)