

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.4058 OF 2021

Dhirajkumar Kanakmal Gugale & Anr.] ... Petitioners

Vs.

Pune Municipal Corporation & Ors.] ... Respondents

...

Mr. Surel S. Shah i/b Mr. Prashant Darandale for the petitioners.

Ms. Manisha Jagtap for respondent No.1-PMC.

Mr. Pritesh Burad with Ms. Samita Vaviya, Ms. Nandita Shah,
Mr. Dhitya Dugad i/b Pritesh Burad Associates for respondent
No.4.

...

**CORAM : R.D. DHANUKA &
KAMAL KHATA, JJ.**

DATED : 26TH SEPTEMBER, 2022.

P.C.:-

1. Mr. Shah, learned counsel for the petitioners states that his clients would file a separate representation to respondent No.1 with a request to take action against respondent No.4-Developer in respect of building 'B' at Survey No.63 Part 1/2, Near Shanti Nagar Society, Gangadham, Katraj Road, Kondwa Budruk, Pune

– 400 048 under Sections 260 and 264 of the Maharashtra Municipal Corporation Act, within two weeks from today. Statement is accepted.

2. The petitioners shall serve a copy of such representation upon respondent No.4. Respondent No.4 would be at liberty to file his say to the said representation within two weeks thereafter.

3. We direct respondent No.2 to decide the said representation after hearing the petitioners and respondent No.4 and after considering the representation made by the petitioners and the reply that would be filed by respondent No.4, in accordance with law. Respondent No.2 shall give 72 hours' advance notice of hearing, to the petitioner and respondent No.4. Respondent No.2 shall pass order on the said representation within eight weeks from the date of personal hearing. The order that would be passed by respondent No.2 shall be communicated to the petitioners as well as respondent No.4 within one week from the date of passing of the order. If any of the party is aggrieved by the said order that would be passed by respondent No.2, such party would be at liberty to proceed with the remedy available to him.

4. This Court has not expressed any opinion on the merits of the representation that would be made by the petitioners or the

reply that would be filed by respondent No.4 to such representation.

5. All contentions of the parties are kept open. Writ petition is disposed off.

6. No order as to costs.

7. Parties to act on the authenticated copy of this order.

[KAMAL KHATA, J.]

[R. D. DHANUKA, J.]