

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

VAISHALI
ANIL TIKAM

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VAISHALI ANIL TIKAM
Date: 2023.08.10
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WRIT PETITION No.1640 OF 2023

Kalpana Narayan Pathade

...Petitioner

Vs.

The State of Maharashtra
the Principal Secretary and Ors.

...Respondents

Mr. Abhay Thorat for Petitioner

Ms. Pooja Joshi for Respondent Nos.3 and 4- Corporation

Mr. Y.D. Patil, AGP for Respondent Nos.1,5 and 7 for State

CORAM : SUNIL B. SHUKRE &
RAJESH S. PATIL, JJ.

DATED : 8th AUGUST, 2023

P.C.:

1. Heard. Rule. Rule is made returnable forthwith by consent of parties.

2. It appears that the reply given by the Petitioner to the impugned notices dated 6th December, 2022 and 12th December, 2022 has not been considered in any manner by Respondent Nos.3 and 4 and that is the reason why the grievance of the Petitioner regarding illegal notice having been issued to her remains as it is.

3. Learned counsel for the petitioner submits that the construction mentioned in impugned show cause notice dated 6th December, 2022

is authorized as the Petitioner holds appropriate permission for making that construction and this fact has not been considered by Respondent Nos.3 and 4 in any manner. As it is a fact that the reply of the Petitioner has not been considered in any manner by Respondent Nos.3 and 4, injustice has been caused to the Petitioner and, therefore, in our considered opinion, this is a fit case for interference.

4. The Petition is partly allowed. The matter is remanded back to Respondent Nos.3 and 4 for considering the reply of the Petitioner in accordance with law and take their decisions in the matter after granting due opportunity of hearing to the Petitioner. Decision shall be taken within four weeks from the date of appearance of the Petitioner before Respondent No.3. Petitioner shall appear before Respondent No.3 on 21st August, 2023.

4. Rule is made absolute in the above terms. No costs.

(RAJESH S. PATIL, J.)

(SUNIL B. SHUKRE, J.)