

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

WRIT PETITION NO. 5462 OF 2018

Shankar Moreshwar More

....Petitioner

V/s.

Gram Panchayat, Boisar and Ors.

...Respondents

Mr. Mohan D. Naik for Petitioner.

Ms. K.N. Solunke, AGP for State/Respondent Nos. 2 to 7.

CORAM : K.R. SHRIRAM &

FIRDOSH P POONIWALLA, JJ.

DATED : 15th JUNE 2023

P.C. :

1. Mr. Naik for petitioner states that petitioner had made an application on 25th April 2011 to Respondent No.1, i.e., Gram Panchayat, Boisar for permission to develop petitioner's land for residential cum commercial purpose. The Gram Panchayat granted No Objection Certificate dated 21st June 2011 and directed petitioner to obtain approval from concerned Government authorities. Due to financial difficulties petitioner was unable to proceed further and obtain necessary approval from the Collector. Thereafter, in 2015 petitioner approached the Collector and sought permission which was granted. The Collector granted the permission by an order dated 24th January 2017 to develop petitioner's plot of land and construct residential cum commercial premises. Pursuant to the said order dated 24th January 2017 petitioner was required to obtain No Objection from Respondent No.1 – Gram Panchayat before petitioner actually used the

land for non agricultural purpose. Petitioner approached Respondent No.1 vide a letter dated 28th April 2017 to which petitioner states there has been no response. Petitioner therefore approached this court and filed this petition on or about 14th March 2018. The remarks in the cause title shows Respondent No.1 – Gram Panchayat has been served. No affidavit in reply is filed by any respondent.

2. Ms. Solunke appearing for Respondent Nos. 2 to 7 states that the matter is between petitioner and Respondent No.1 – Gram Panchayat.

3. In our view, this petition can be disposed with the following directions.

(a) Respondent No.1 – Gram Panchayat shall dispose petitioner's application dated 28th April 2017 which Mr. Naik states has not been disposed even today, within six weeks of receiving a copy of this order.

(b) Respondent No.1 shall grant personal hearing to petitioner, notice whereof shall be communicated to petitioner atleast five working days in advance before disposing the application dated 28th April 2017.

4. Mr. Naik states that if any further documents are required, petitioner will provide those documents to Respondent No.1.

5. We clarify that we have not made any observations on the merits of the matter.

6. Petition disposed.

(FIRDOSH P POONIWALLA, J.)

(K.R. SHRIRAM, J.)