

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

WRIT PETITION NO.4144 OF 2021

Aqueel-Ur-Rahman S/o. Mohammad Hanif Momin .. Petitioner
Vs.
State of Maharashtra,
Through the Principal Secretary (UD-I),
Urban Development Department,
Mantralaya, Mumbai and Ors. .. Respondents

Mr. S.N. Biradar, i/by Mr. Yash Sonawane, for the Petitioner.
Ms. M.P. Thakur, AGP for Respondent No.1-State.

**CORAM : SUNIL B. SHUKRE &
M.W. CHANDWANI, J.J.**

DATE : 9TH JANUARY, 2023.

P.C. :

1. Rule. Rule is made returnable forthwith. Heard finally by consent of learned counsel for the petitioner and learned AGP for respondent no.1-State. Nobody appears for respondent nos.2 and 3.

2. Respondent nos.2 and 3 are the officers of Pune Municipal Corporation. They have not filed any reply to this petition, although they have been duly served with the notice issued by this court. Sufficient time has already been granted to respondent nos.2 and 3, but no reply has been filed by anyone of them. The main ground raised in this petition, regarding passing of the

impugned order dated 10th July 2019 by respondent no.3 without application of mind and without considering the reply filed by the petitioner, is not disputed by respondent no.3.

3. In view of the above, we find that the impugned order dated 10th July 2019 cannot be sustained in the eyes of law and it must go. Accordingly, we pass the following order :-

- (i) Petition is partly allowed and the impugned order dated 10th July 2019 is hereby quashed and set aside.
- (ii) Respondent nos.2 and 3 are directed to decide the application of the petitioner afresh, after giving opportunity of hearing to the petitioner, as expeditiously as possible and preferably within a period of eight weeks from the date of appearance of the petitioner before respondent no.3.
- (iii) Petitioner to appear before respondent no.3 on 16th January 2023.

4. Rule is made absolute in the above terms. Writ Petition is disposed of.

[M.W. CHANDWANI, J.]

[SUNIL B. SHUKRE, J.]