

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION NO.823 OF 2023

M/s.Svikar Construction

.... Petitioner

Versus

Pankaj Nagjibhai Patel and Ors.

.... Respondents

.....

Mr.Suresh Pakle, Senior Advocate a/w. Mr.Amol i/b. Gurubala Birajdar, Advocate for the Petitioner.

Mr.Kunal Waghmare, Advocate for Respondent – BMC.

.....

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

DATED : 06th JULY 2023

P.C. :

1 Heard learned counsel for the Petitioner and learned counsel for the Corporation. It appears that the Petitioner is having an objection regarding grant of development permission to Respondent Nos.1 and 2 on the basis of the plans submitted by them as it is the contention of the Petitioner that some portion of the land belonging to the Petitioner has been included in the proposed plan submitted for grant of development permission. One such objection, as pointed out by the learned counsel for the Petitioner, is on page Nos. 104 to 108 of the Petition dated 30th June 2022. There is one more objection dated 30th June 2022 which is on page Nos.109 to 112 of the Petition.

**RAJESHRI
PRAKASH
AHER**

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2 It is the grievance of the Petitioner that these objections are not being decided by the Corporation.

3 Considering the nature of the grievance raised by the Petitioner in this case, we do not think it necessary to issue any notice to Respondent Nos.1 and 2, and, we are of the opinion that purpose of this Petition shall stand served by issuing certain directions to the Corporation regarding taking of decision on the objections filed by the Petitioner.

4 In view of above, we direct Respondent Nos.3, 4 and 5 to decide the objections taken by the Petitioner in accordance with law, after giving due opportunity of hearing to the Petitioner, and, also to all the affected persons including Respondent Nos.1 and 2, within a reasonable period of time which may not be more than three months from the date of appearance of the parties before the Corporation, for which purpose the Corporation would have to issue notice to the parties.

5 Petition is disposed of in the above terms.

(RAJESH S. PATIL, J.)

(SUNIL B. SHUKRE, J.)