

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

Writ Petition No. 7736 of 2022

Shri Nilesh S/o Amarchand Mehta
aged about 52 years, Occupation :
Business, Resident of 1062, Jain
Ratna Amarchandbhai Mehta Marg,
Bhajibandi, Itwari, Nagpur-440002.

.... Petitioner

..VERSUS..

State of Maharashtra through
Secretary Urban Development
Department.

.... Respondent

Ms. Bhavika Hindustani, Advocate h/f Mr. Akhtar Ansari, Advocate for the
petitioner
Mr. S. M. Ukey, Addl. G. P for the State/respondent

**CORAM : ROHIT B. DEO AND
Y. G. KHOBRADE, JJ.**

DATED : 17-2-2023

ORAL JUDGMENT : (Per : Rohit B. Deo, J.)

Heard.

2. Rule. Rule made returnable forthwith. Heard finally with
consent of learned counsel appearing for the parties.

3. The limited grievance of the petitioner is that despite several
representations which are made from 5-3-2019, no order is passed in

Appeal 337/2018 which is preferred under Section 47 of the Maharashtra Regional Town Planning Act (Act).

4. The backdrop is, according to the petitioner, that the appeal under Section 47 of the Act is preferred by Mr. Harshad Shah, who expired on 4-10-2019, and till date, no one has applied for impleadment in the appeal in the capacity of legal heir. According to the petitioner, he has intervened in the appeal and is being unnecessarily harassed since an abated appeal is kept pending. The limited request is that the appeal be disposed of as abated and which is also the prayer in the representation preferred.

5. We see no impediment in allowing the petition and directing the respondent to consider the representation dated 5-3-2019 and to pass an order of abatement, if the facts stated in the representation are found correct, within the next four weeks.

6. The petition is disposed of.

(Y. G. Khobragade, J.)

(Rohit B. Deo, J.)

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