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IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

21 WRIT PETITION NO. 13875 OF 2025

Rakhi Sanjay Bharuka

VERSUS

The State Of Maharashtra and Others

.....

Mr. Sumit S. Agrawal, Advocate for Petitioner

Mr. V.M. Kagne, AGP for Respondent No.1

Mr. Anand P. Bhandari, Advocate for Respondents No.2 and 3

.....

CORAM : SMT. VIBHA KANKANWADI AND  
HITEN S. VENEGAVKAR, JJ.

DATE : 01 DECEMBER, 2025

PER COURT :-

1. The present petition has been filed for following reliefs:-

*"B) By way of appropriate writ or directions in the like nature the impugned action of sanctioning the layout order bearing No. 208/2009-2098/2009 Dt07/10/2009, over the Gut No. 14, situated at Kanchanwadi, Tq. and Dist. Chh. Sambhaji Nagar, passed by the Asst. Director of Town Planning, AMC, and Sanction layout map in pursuance thereto may please be quashed and set aside and for that purpose issue necessary orders in the interest of justice.*

*C) By way of appropriate writ or directions in the like nature the Respondent Nos. 2 and 3 i.e. Chhatrapati Sambhaji Nagar Municipal Corporation and Asst. Director of Town Planning, the AMC, Chhatrapati Sambhaji Nagar, may please be directed to comply the order passed by respondent No. 1 in Appeal filed by the petitioner, which is confirmed by this Hon'ble Court and thereby to initiate action in pursuance to objection/review/representation Dt. 14/11/2013 filed by the present petitioner by giving due opportunity of hearing as early as possible and within a stipulated period.*

*D) Please call record and proceedings of the impugned action of sanctioning the layout order bearing No. 208/2009-2098/2009 Dt.07/10/2009, over the Gut No. 14, situated at Kanchanwadi, Tq. and Dist. Chhatrapati Sambhaji Nagar, passed by the Asst. Director of Town Planning, AMC, and Sanction layout map in pursuance thereto from the respondent Nos. 2 & 3;*

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*E) By way of appropriate writ or directions in the like nature the effect and operation of said impugned action of sanctioning the layout order bearing No. 208/2009-2098/2009 Dt. 07/10/2009, over the Gut No. 14, situated at Kanchanwadi, Tq. and Dist. Chhatrapati Sambhaji Nagar, passed by the Asst. Director of Town Planning, AMC, and Sanction layout map in pursuance thereto may please be stayed and suspended or any other equitable relief to that effect may please be granted.”*

2. Heard the learned advocate appearing for the petitioner. Learned AGP waives notice for respondent No.1. Learned advocate Mr. Bhandari waives service of notice for respondents No.2 and 3.

3. The first and foremost fact that is required to be considered is that, as regards the prayer clause ‘B’ is concerned, the petitioner is challenging the letter dated 07.10.2009, whereas the present petition has been filed on 04.10.2025. It appears that, in the meantime, Special Civil Suit No.218 of 2011, which was later renumbered as R.C.S. No.628 of 2012, was filed and is still pending. Thereafter, it appears that the petitioner approached this Court by filing Writ Petition No.9815 of 2022, wherein it appears that the appeal filed by her before the learned Member, Urban Development Department, Mantralaya, was dismissed in default. she approached this Court again by filing Contempt Petition No.109 of 2023, wherein it was stated that the appeal filed by the petitioner had been decided. Therefore, taking into consideration all these aspects, and noting that the representation filed by the petitioner before respondent No.2 on 14.11.2013 is still pending, it would be appropriate to consider only prayer clause ‘C’, at this stage.

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4. Learned advocate Mr. Bhandari, appearing on behalf of respondents No.2 and 3, submits that respondent No.2 would decide the said representation; however, certain documents called for have not been filed before the authority. The learned advocate for the petitioner disputes this fact. Learned advocate Mr. Bhandari further submits that about 53 persons would be affected, and they are also required to be heard.

5. We are of the opinion that the representation, which appears to have been filed in the nature of an objection, will have to be decided when it is made, and for that purpose, there can be no shortcut; the entire procedure must be adhered to. Respondent No.2 can call upon the petitioner to submit any documents required. As regards the hearing to be given to the affected persons, it is a natural act, and the principles of natural justice are required to be adhered to; however, this cannot be treated as a hurdle in deciding the representation. Therefore, taking into consideration all these aspects, we dispose of the writ petition by directing respondent No.2 and/or respondent No.3 to decide the petitioner's representation dated 14.11.2013 within a period of six months from today.

**[ HITEN S. VENEGAVKAR ]**  
**JUDGE**

**[ SMT. VIBHA KANKANWADI ]**  
**JUDGE**