

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6800 OF 2024

Bhanuben Rameshbhai Patel ...Petitioner
Versus
Planning & Development Authority & Anr. ...Respondents

Mr. Kamalesh Mali for Petitioner.
Mr. Manoj Sabale h/f H. S. Venegaonkar for Respondents.

CORAM: G. S. KULKARNI &
ARIF S. DOCTOR, JJ.

DATE: 23 JULY 2025

P.C.

1. Reply affidavit on behalf of respondent Nos.1 & 2 of Shri Rahul Dev Boora, Member Secretary, Planning & Development Authority, Daman is filed.
2. This petition under Article 226 of the Constitution of India is filed praying for the following substantive relief:

"a) That the record and proceedings in respect of Impugned Notice bearing 15/4/2024, dated No. 19/PDA/DMN/UAC/J.V./174(6) & Ors./327/2024/50 dated 15/4/2024 issued by the Respondent No. 2 may be called for;

b) That after perusal of the same, this Hon'ble Court be pleased to quash and set aside the Impugned Notice dated 15/4/2024, bearing No. 19/PDA/DMN/UAC/J.V./174(6) & Ors./327/2024/50 dated 15/4/2024 issued by the Respondent No. 2;"

3. The case of the petitioner is that the notice structure was constructed after obtaining appropriate approvals from the respondents. In that regard, our attention is drawn to the sanctioned plan as also the occupation certificate (OC) dated 20 July 2014. (Exhibit – D, page 27 of the paper book).
4. We find from the photographs that it is a full fledged Hotel which is being run by the petitioner on survey No.174/6. In this view of the matter, it is surprising

that the impugned notice, dated 15 April 2024, was issued, as if it is a unauthorized construction, and merely on the ground that the officer who granted OC was not authorized to do so. However, we find that the OC itself is not recalled, or set aside. If that be so, the impugned notice, which labels the construction as unauthorized without revocation of any plans for construction permission and that too after following due procedure in law, cannot be sustained. After considering these issues the learned counsel for respondent Nos.1 & 2, on instructions, states that the respondents be permitted to withdraw the impugned notice dated 15 April 2024.

5. In our opinion, the suggestion is fair. We accordingly permit the impugned notice dated 15 April 2024 to be withdrawn. It is accordingly set aside as withdrawn.

6. All contentions of the parties on any other issues are expressly kept open. The petition accordingly stand disposed of in the aforesaid terms. No costs.

(ARIF S. DOCTOR, J.)

(G. S. KULKARNI, J.)