

MHKO070012732021



ORDER BELOW EXH.5 IN REG. CIVIL SUIT NO. 200/2021

Sou. Madhuri Sanjiv Potdar
Versus.
Chief Officer, Nagar Parishad, Jaysingpur

Perused application and documents filed on record.
Heard Ld. Advocate Shri. S.N.Kodole for plaintiff.

2- It is seen from record that plaintiff is owner and possessor of Plot Nos. 26 and 29 out of land Gut No. 40/1 (Jointly referred to as “the suit property”), and her name is so appearing in 7/12 extract of suit property. It is further seen that she obtained building permission for construction over Plot No. 29 from defendant Council, and accordingly carried out construction. However, vide notice at Exh.3/16, defendant Council has directed her to remove the said construction as it is unauthorised. Since suit property comprises of two plots and plaintiff obtained permission for construction over one of the said plots, said notice of defendant Council, *prima-facie*, appears to be erroneous, insofar as the same relating to Plot No. 29 is concerned. It is the apprehension of plaintiff that based on said notice, defendant Council is going to initiate coercive action against her. From the documents on record, her apprehension appear to be reasonable and genuine. If the action proposed by defendant Council based on said notice is

not stopped, it is quite sure that irreparable loss will be caused to plaintiff. Thus, in my considering view, it will be a fit case to exercise discretion in favour of plaintiff. Thus, following order.

ORDER

1. Issue notice to Defendant R/o. 28/10/2021.
2. Till the of appearance or next date, whichever his later in time, defendant Council is directed not to take any coercive action against plaintiff in the light of its notice dated 06/09/2021.
3. E.B. & S.B. allowed if prayed.

Sd/-

Date : 08.10.2021
Jaysingpur

(Anand D. Karbhajan)
Jt. Civil Judge (Junior Division),
Jaysingpur, Tq. Shirol, Dist. Kolhapur