

MHRG040017182023



R.C.S. No. 177/2023

**Mohan Ramchandra Gaikwad
Vs
Controller Of Unauthorized
Construction (south)**

ORDER BELOW EXH.22

01. Perused the application and say. Heard Ld. Advocate for both parties. This is the application filed by defendants for setting aside no W.S order passed against them. They contended that they are the officials of CIDCO and were busy in scheme of removing unauthorized construction and therefore could not collect necessary documents and therefore could not file written statement within time. They contended that there is delay of 57 days and prayed for setting aside no WS order by condoning the delay.

02. Plaintiff filed say and strongly opposed application. He contended that no genuine reason is given by defendants and they are only trying to prolong the matter. Hence, he prayed for rejection of application.

03. Perusal of record shows that suit summons served on defendants on 25.05.2023 and they appeared in the suit on 20.06.2023. The no WS order is passed on 14.09.2023. The record shows that sufficient opportunity is given to defendants to file their written statement. However, the defendants are the officials

of CIDCO and considering the reason that they were busy in the scheme of removing unauthorized construction, the possibility cannot be ruled out that they could not collect necessary documents within time. Considering the reason the delay in filing written statement is hereby condoned and no WS order dated 14.09.2023 passed against defendants is hereby set aside subject to payment of cost of Rs.1000/- payable to TLSA, Panvel.

Place:-Panvel.

(R.Y. Khandare)

Date:-28/08/2025

5thJt. C.J.S.D.& A.C.J.M.,Panvel.