

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 3509/2019

Dilip S/o Laxmanrao Pitale,
..VS..
Assistant Engineer (West) Nagpur Metropolitan Regional Development Authority and others.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Dr. R. S. Sundaram, Advocate for the petitioner.
Mr. R. O. Chabra, Advocate for the respondent Nos.1 to 3.

CORAM : Z.A.HAQ, AND
PUSHPA V. GANEDIWALA, JJ.

DATED : 25th September, 2019

Heard.

By this petition, the petitioner seeks writ of *mandamus* against the respondent Nos.1 and 3 to implement the notices dated 04 August 2018 and 28th September 2018, issued by the respondent No.1. The grievance of the petitioner is that the construction undertaken by the respondent No.2 is illegal and is without sanction from any authority whatsoever.

On query, learned advocate for the respondent No.2 stated that the petitioner has filed civil suit which is pending.

The learned advocate for the petitioner has pointed out that connected Criminal Writ Petition No.836/2018, is pending before this Court and submitted that the respondent No.2 has undertaken construction in spite of an order of temporary injunction.

The respondent No.1 and 3 have not filed their reply/affidavit. It is more than three and half months since the date of issuance of notice by the Authority of which implementation is sought in this petition.

The respondent Nos.1 and 3 shall file reply/affidavit till 30th September 2019 pointing out the steps taken by them to implement the notice/notices issued by respondent No.1. Copy of the reply/affidavit shall be served on the office of Government Pleader till 30th September, 2019.

If the reply/affidavit is not filed till 30th September 2019, the respondent No.1 shall remain present before this Court on the next date of hearing.

List the matter for further consideration/hearing on **01st October, 2019.**

In the meantime, the respondent No.2 may file reply/affidavit, if so advised and supply copy to all the concerned parties.

JUDGE

JUDGE

Kirtak