

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

COMPLETE TITLE OF CASE:

JAGPAL GOSAL,

Appellant

v.

THE CITY OF SEDALIA.

Respondent

DOCKET NUMBER WD69871

DATE: July 21, 2009

Appeal From:

Circuit Court of Pettis County, MO
The Honorable Robert L. Koffman, Judge

Appellate Judges:

Division Three: Thomas H. Newton, C.J., Harold L. Lowenstein and James Edward Welsh, JJ.

Attorneys:

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Counsel for Appellant

Attorneys:

Anne C. Gardner, Sedalia, MO

Counsel for Respondent

**MISSOURI APPELLATE COURT OPINION SUMMARY
MISSOURI COURT OF APPEALS, WESTERN DISTRICT**

**JAGPAL GOSAL, Appellant, v.
THE CITY OF SEDALIA, Respondent**

WD69871

Pettis County

Before Division Three Judges: Thomas H. Newton, C.J., Harold L. Lowenstein and James Edward Welsh, JJ.

Jagpal Gosal appeals the circuit court's grant of summary judgment for the City of Sedalia in an action wherein Gosal sought to enjoin the City from taking any action to demolish or repair a fire-damaged house owned by Gosal. The circuit court found that it lacked jurisdiction to consider Gosal's claim because Gosal did not timely file his request for judicial review of the decision of the Board of Appeals for the City. Gosal appeals.

AFFIRMED.

Division Three holds:

(1) Gosal did not file his petition for review with the circuit court until well beyond the thirty day deadline for obtaining judicial review of the Board of Appeals' decision provided for in section 536.110.1, RSMo Cum. Supp. 2008. Because Gosal did not file a request for judicial review within the requisite time, the circuit court did not err in concluding that it lacked the authority to consider Gosal's claim and in entering summary judgment for the City.

(2) Even if a city employee told Gosal that an extension would be allowed to complete the repairs, the City issued a Permit Revocation Stop Work Order and delivered it to the property. Faced with this Permit Revocation Stop Work Order, Gosal did nothing to exercise his remedy to seek judicial review of the Board of Appeals' decision until October 19, 2006, which was beyond the thirty day deadline for obtaining judicial review of the Board of Appeals' decision and which was even beyond thirty days after the City's issuance of the Permit Revocation Stop Work Order.

(3) Equitable estoppel may run against the state, but only where there are exceptional circumstances and a manifest injustice will result. This case does not present an exceptional circumstance where equitable estoppel must be applied. The Permit Revocation Stop Work Order put Allen on notice that the City had no intention of granting him additional time to complete the repairs. Thus, if Gosal was unhappy with the Board of Appeals' decision, he should have exercised his remedy to seek judicial review of the Board of Appeals' decision in a timely manner.

Opinion by: James Edward Welsh, J.

July 21, 2009

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THIS SUMMARY IS UNOFFICIAL AND SHOULD NOT BE QUOTED OR CITED.
