

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION (ST.) NO. 22243 OF 2015

Shri Mahavir Adgonda Patil. ... Petitioner.
V/s.
Shri Pandit Vasantrao Barave and others. ... Respondents.

Manoj Patil for the petitioner.

**CORAM : NARESH H. PATIL AND
S.B. SHUKRE, JJ.**

DATED : 4th September 2015.

P.C.

The petitioner seeks direction to the respondent- municipal council to decide his application for getting the completion certificate. By order dated 30th July 2010, passed in Consumer Case Nos.755 and 756/2008, the District Consumer Forum, Kolhapur directed the petitioner/ respondent therein to execute sale-deed in favour of the purchasers after obtaining completion certificate in respect of construction from the planning authority. The said order was challenged by the petitioner by filing first appeals before the State Consumer Redressal Commission. The State Commission vide order dated 9th February 2012 dismissed the said appeals on the ground of limitation. The petitioner filed revision petition before the National Consumer Disputes Redressal Commission. By order dated 13th February 2013 the National Commission dismissed the revision with costs of Rs.25,000/-. It is submitted that the said order was

challenged before the Supreme Court. By order dated 2nd July 2013, the Apex Court dismissed the SLP filed by the petitioner.

2. Learned counsel for the petitioner submits that the purchasers have initiated proceedings for taking criminal action against the petitioner for not implementing the order of the District Consumer Forum. The petitioner prays that the respondent- municipal council be directed to decide the application of the petitioner for issuance of completion certificate which is pending before it.

3. The perusal of the order passed by the District Consumer Forum clearly shows that the petitioner was to execute sale-deed after obtaining completion certificate. It is surprising to note that the petitioner without obtaining completion certificate executed sale-deed. In this view of the matter, we are not inclined to exercise our extraordinary writ jurisdiction. However, the petitioner may pursue with the application filed by him before the municipal authorities for obtaining completion certificate and may approach higher authorities. No interference is called for. With this observation, petition is dismissed.

(S.B. SHUKRE, J.)

(NARESH H. PATIL, J.)