

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.11167 OF 2014

M/s.Tiwari Enterprises. .. Petitioner

Vs

Kalyan Dombivali Municipal Corporation
and Others. .. Respondents

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Shri D.J. Deshmukh for the Petitioner.

Shri A.S. Rao for Respondent Nos.1 and 2.

Mrs. M.P. Thakur, AGP for the Respondent No.3.

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CORAM : A.S. OKA &
REVATI MOHITE DERE, JJ
DATED : 26TH JUNE 2015

PC.

1. The learned counsel appearing for the Kalyan-Dombivali Municipal Corporation states that by letter dated 12th December 2014, the Assistant Police Inspector of Kalyan Police Station called upon the Municipal Corporation to submit documents in relation to the permission sought by the Petitioner which is subject matter of the Application at Exhibit-O. It is stated in the said letter that the police are investigating the complaint made by one Shri Sheshmani Pandey. He pointed out that along with the letter dated 6th January 2015, the Assistant Director of Town Planning of the Municipal Corporation has forwarded the entire file to the Assistant Inspector of Kalyan Police Station. He states that the documents have not been returned by the Kalyan Police Station and hence, the Municipal Corporation could not

take steps on the basis of the Application at Exhibit "O". The copies of the letters dated 12th December 2014 and 6th January 2015 are taken on record and marked "A" and "B" respectively for identification.

2. In view of the aforesaid statements made by the learned counsel appearing for the Municipal Corporation, as of today, a writ cannot be issued directing the Municipal Corporation to decide the pending Application. However, as soon as the documents are returned to the Municipal Corporation, a decision shall be taken on the pending Application.

3. Therefore, we dispose of the Petition by passing the following order:-

ORDER :

- (a) If the Kalyan-Dombivali Municipal Corporation fails to take any decision on the Application made by the Petitioner on or before 31st March 2016, it will be open for the Petitioner to file a fresh Petition;
- (b) The Petition is disposed of on above terms.

(REVATI MOHITE DERE, J)

(A.S. OKA, J)