

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.2462 OF 2014

Leena Mukesh Purav	...	...Petitioner
v/s.		
The Medical Officer of Health		
G-South Ward & another		...Respondents

WITH
WRIT PETITION (L) NO.1366 OF 2014

Mukesh Shankar Purav	...	...Petitioner
v/s.		
The Medical Officer of Health		
G-South Ward & another		...Respondents

...

Mr.H.S.S. Murthy i/b Abhishek Patil for the Petitioners.
Mr.J.E.Reis, Sr.Advocate with Ms.K.H.Mastakar for the Respondents.

...

CORAM : A.A. SAYED, J.

DATED : 21 JANUARY 2015

P.C.

From the orders dated 17 January 2014 and 23 January 2014 (Coram: K.K.Tated, J.) it is apparent that the Petitioners were required to make Applications for No Objection Certificate to the Asst.Engineer (B & F), G/S-Ward, Mumbai and in absence of the No Objection Certificate the Medical Officer, Health Department could not have considered the Petitioners' Applications for licences u/s 394 of the MMC Act. The impugned order records that the Applications of the Petitioners for licences

have not been considered for want of No Objection Certificate of the Asst.Engineer (B & F), G/S-Ward, Mumbai. It is not disputed before the Court that the Petitioners had not applied for No Objection Certificate to the Asst.Engineer (B & F), G/S Ward. Learned Counsel for the Petitioners states that the Petitioners shall make necessary Applications for the same.

3. In the circumstances, in the interest of justice, the Petitions are disposed of with the following directions:

(i) The Petitioners shall make appropriate Applications for No Objection Certificates to the Asst.Engineer (B & F), G/S-Ward, Mumbai within a period of 10 days from today.

(ii) The Asst.Engineer (B & F), G/S-Ward, Mumbai shall consider the said Applications and pass an appropriate orders thereon within a period of six weeks of submission of the Applications and communicate the same to the Petitioners and to the Medical Officer, Health Department (B & F), G/S Ward.

(iii) In the event, No Objection Certificates are granted by the Asst.Engineer (B & F), G/S-Ward, the Petitioners would be at liberty to apply for licences under section 394 of the MMC Act, which shall be considered by the Medical Officer, Health Department (B & F), G/S-Ward on its own merits and in accordance with law, within a period of four weeks from the submission of the Applications.

(iv) It is clarified that the Authorities shall decide the Applications of the Petitioners afresh on its own merits and in accordance with law and without being influenced by the earlier orders of refusal thereof.

(v) Learned Counsel for the Petitioners and learned Senior Counsel for the Respondent-Corporation are agreed that no reasons be given for passing this order.

(A.A. SAYED, J.)

kambli