

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO.613 of 2016

Mohd Khalid Mohd Shafi Qureshi. .. Petitioner

Vs

The General Manager and Another. .. Respondents

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Ms. K.P Reshma Ravi i/b Shri K.P Ravi for the Petitioner.

Ms. Kavita Anchan for the Respondents i/b M.V. Kini & Co for the Respondents.

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CORAM : A.S. OKA &
SMT. ANUJA PRABHUDESSAI, JJ

DATED : 18TH NOVEMBER 2016

PC.

1. Heard learned counsel appearing for the Petitioner and the learned counsel appearing for the Respondents.

2. Rule. The Advocate on record for the Respondents waives service. Forthwith taken up for final disposal.

3. The prayer clauses (a) and (b) which are substantive prayers in this Petition read thus:

“(a) This Honourable Court be pleased to issue a writ certiorari or any other writ, order or direction in the nature of certiorari calling for the papers and documents in the proceedings in the above matter from the Respondents and after

examining the veracity and legality thereof, shall quash and set aside the decision of the Respondents not to grant electric connection to the Petitioner.

- (b) This Honourable Court be pleased to issue a Writ of Mandamus, or any other Writ, Order or direction in the nature of Mandamus directing the Respondents to immediately grant the Petitioner her application for electric connection at Exhibit 'B' hereto and grant the Petitioner electric connection forthwith.”

4. The learned counsel appearing for the Respondents on instructions states that the Application made by the Petitioner for grant of electricity connection is not yet decided and the same is kept pending on the ground that the Mumbai Municipal Corporation has invited attention of the Respondents to the order dated 11th September 2014 passed by the learned Single Judge of this Court in Civil Application No.3802 of 2012 in First Appeal No.1599 of 2013. A copy of the said order is placed on record and marked “X1” for identification.

5. On plain reading of the said order, we are of the view that the same does not come in the way of the first Respondent considering the Application made by the Petitioner for grant of electricity connection. Accordingly, we dispose of this Petition by passing the following order:

ORDER :

- (a) We direct the first Respondent to decide the Application No.206198 made by the Petitioner on 11th May 2011 in accordance with law as expeditiously as possible and in any event within a period of one month from the date on which the order is uploaded;
- (b) We clarify that the Application shall not be rejected on the basis of the aforesaid order dated 11th September 2014.
- (c) Rule is partly made absolute on above terms with no orders as to costs.

(SMT. ANUJA PRABHUDESSAI, J)

(A.S. OKA, J)