

Urmila Ingale

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 739 OF 2016

Nikhil Dilip Chauhan and others .. Petitioners

Vs.

Municipal Commissioner of
Mumbai and others .. Respondents

Mr.Nikhil Dilip Chauhan, Petitioner No.1 in-person present.
Ms.Foram Nikhil Chauhan, Petitioner No.2 and Constituted
Attorney of Petitioners No. 3 to 9 in-person present.
Mr.S.U.Kamdar, Senior Counsel a/w Ms.Geeta Joglekar, for
Respondents No.1 and 2 - BMC.
Mr.Atul Damle, Senior Counsel i/b Mr.Anil Yadav, for
Respondent No.3.

**CORAM : SHANTANU.S.KEMKAR &
M.S.KARNIK, JJ.
DATE : 16th JUNE, 2016**

PC. :

. Heard the parties through their Counsel. The grievance of the petitioners is that the Municipal Commissioner has merely approved the proposal submitted before him by the various authorities of the Municipal Corporation. According to her, a speaking order ought to have been passed by the Municipal Commissioner himself. Mr.Kamdar, learned Senior

Counsel, on instructions from the Municipal Corporation has stated that the Commissioner will pass a speaking order himself taking into consideration all the grounds as may be raised by the petitioners in their written argument. Learned Counsel for respondent No.3 submits that in fact after fulfillment of requirements by respondents No. 3, the Commissioner has taken a decision and thereafter Occupation Certificate has also been issued to respondents No. 3. Be that as it may, since the Senior Counsel for the Corporation has fairly stated that the Commissioner is ready to pass a fresh reasoned order himself taking into consideration all the submissions as may be raised by the petitioners in their written argument, we are inclined to dispose of the Petition by granting liberty to the petitioners to submit the detailed written argument in regard to the controversy in question. The Commissioner shall consider the same and shall pass a speaking order taking into consideration all the grounds as may be raised in the written argument. The decision as aforesaid be taken as expeditiously as possible but not later than 3 weeks from the date of receipt of such written

argument. With the aforesaid liberty and direction, the petition is disposed of accordingly.

(M.S.KARNIK, J.)

(SHANTANU.S.KEMKAR, J.)