

psv

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.8053 OF 2018

Nahar Homes LLP through its
Designated Partner

...Petitioner

Vs.

Municipal Corporation of City of Pune
through its Municipal Commissioner & Ors.

...Respondents

Mr.G.S. Godbole with Ms.Shruti Tulpule i/b. Mr.Akshay Petkar for
Petitioner.

Mr.Rhishikesh Pethe for Respondent Nos.1 to 3.

CORAM : NARESH H. PATIL, ACTING C.J. AND
G.S. KULKARNI, J.

DATE : 21st SEPTEMBER 2018

P.C.:

1. Draft amendment is taken on record. Amendment is allowed.
2. It is submitted that the petitioner got a plan of building sanctioned which includes mechanical parking.
3. The Corporation issued a Show Cause Notice dated 31st May 2018 which is impugned herein and the final order dated 13th July 2018 purported to have been passed by which the occupancy certificate has been denied. The learned Counsel appearing for the Corporation

submits that in fact the petitioner should have left 3 meters side margin in accordance with D.C. Rules which has not been left by the petitioner.

4. On behalf of the petitioner, it is submitted that for the purpose of mechanical parking, 1.5 meter margin is sufficient and the plan has been sanctioned by the Corporation. It is further submitted that fresh notice dated 15th September 2018 has also been issued under Section 260(2) of the Maharashtra Municipal Corporations Act, 1948 addressed to the petitioner which is a final notice directing the petitioner to remove the mechanical parking towers as mentioned in the said notice.

5. We have perused the record placed before us. We have considered the submissions.

6. We find that it would be appropriate if the petitioner makes a comprehensive representation addressed to the City Engineer of the Corporation in respect of the grievances of the petitioner within 10 days from today. In case the City Engineer of the Corporation receives such representation, we direct the City Engineer to hear the petitioner, officers of the Corporation and any other party which the City Engineer thinks relevant to be heard, peruse the record, consider the D.C. Rules and adopt a fresh view of the matter.

7. The City Engineer shall pass a brief reasoned order on the representation made by the petitioner within two weeks from the date of receipt of this order.
8. The writ petition stands disposed of.
9. Till the order is communicated to the petitioner, and for one week thereafter, no coercive steps to be taken.
10. All issues on merits of the case are kept open.
11. We do not express any opinion.
12. Re-verification is dispensed with.

G.S. KULKARNI, J.

ACTING CHIEF JUSTICE