

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION(L) NO.1093 OF 2018**

P. Vijaykumar

..Petitioner

v.

Mumbai Municipal Corporation & Others

..Respondents.

Mr.Bhavesh Parmar alongwith Mr.Devmani Shukla i/by Mrs.J.P. Thakkar, for the Petitioner.

Mr.Narendra V. Walawalkar, senior counsel and Ms. Pallavi Thakar for the respondent/MMC.

Mr.G.V. Murti alongwith Mr.Mohan Rao for the Intervener.

**CORAM : A.S. OKA &
RIYAZ I. CHAGLA, JJ.**

DATE : 17th APRIL, 2018

P.C.

1 Learned Counsel appearing for the Petitioner on instructions of the Petitioner states that as the trade licence granted to the Petitioner (Exh.C) has expired on 31st December 2016, he will immediately stop the business which he is carrying on till today. We accept the said statement.

2 Our attention is invited to the application dated 21st December 2016 submitted by the Petitioner to the 2nd respondent for renewal of licence which was to expire on 31st December 2016. The fact that said application was made is apparent from the letter dated 1st July 2017 addressed by the Medical Officer of health of F/N ward of 1st respondent-Municipal Corporation to the Petitioner. A submission was

canvassed by the learned Counsel appearing for the added respondent that the said letter dated 1st July 2017 (Exh.F to the petition) shows that the application for renewal was rejected.

3 After having carefully perused the said communication, we find that, it calls upon the Petitioner to stop the activities failing which the trade licence will be revoked. The last sentence shows that the application for renewal of the license was not rejected.

4 It is only in the light of statement made across the bar that the Petitioner will stop carrying on business and will not carry on business unless the trade licence is renewed or a fresh licence is granted, we propose to direct the Municipal Corporation to decide the pending application forthwith. Hence, we dispose of the petition by passing following order :

ORDER

1 We accept the statement made by the learned Counsel appearing for the Petitioner on instructions of the Petitioner present in the Court that the Petitioner will forthwith stop the business and will not commence business unless the trade licence is renewed or a fresh licence is granted;

2 We direct the 2nd respondent to decide the pending application dated 21st December 2016 as expeditiously as possible within a period of 2 weeks from today. A copy of the decision taken on the said application shall be served to the petitioner within a period of 3 weeks from today;

3 We make it clear that we have not made any adjudication on the merits of the pending application for renewal of the trade licence and all the contentions of parties in that behalf are kept open;

4 In view of the statement of the Petitioner which is recorded above, no relief as prayed for in the Petition needs to be granted as the trade licence has expired on 31st December 2016;

5 We have made no adjudication on merits of the pending application;

6 The petition is disposed of on above terms.

(RIYAZ .I.CHAGLA, J)

(A.S. OKA, J)