

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8492 OF 2017

Sharad Subhram Kokate

..... Petitioner

VERSUS

State of Maharashtra & Ors.

..... Respondents

Mr.Vivek V.Salunke, a/w. Mr.Vivek M. Punjabi, Mr.Ajinkya J.Jaibhave
for the Petitioner.

Mr. Rajan S. Pawar, A.G.P. for the Respondent nos. 1 to 3.

Mr.Rohit P.Sakhadeo for the Respondent no.4.

CORAM : R.D.DHANUKA &
SURENDRA P.TAVADE, JJ.

DATE : 12th MARCH, 2020

P.C.

By this petition filed under Article 226 of the Constitution of India, the petitioner has prayed for writ of mandamus directing the respondent no.4 to decide the application for permission to develop the subject land described in prayer clause (i) of the writ petition which application would be filed by the petitioner.

2. Mr. Salunke, learned counsel for the petitioner invited our attention to the order dated 31st October,2017 passed by the Division Bench of this court directing that this writ petition can be disposed of in view of the order passed by the Division Bench of this court dated 15th January,2014 in Writ Petition No.1972 of 2013.

3. Learned counsel for the petitioner states that his client would file

an application for the permission to develop the subject land within four weeks from today. Statement is accepted.

4. By an order dated 15th January, 2014 passed by a Division Bench of this Court in Writ Petition No.1972 of 2013 with identical facts in hand, this court directed the authority to process the application filed by the petitioner therein for grant of occupation certificate with a direction not to reject the said application on the ground that a CID enquiry is pending in respect of the order dated 9th December, 2005 or on the ground of failure to obtain no objection of the Competent Authority under the Urban Land (Ceiling and Regulation) Act, 1976 and to decide the said application in accordance with law.

5. Since the facts before this court in the Writ Petition No.1972 of 2013 and in this petition are identical, we are inclined to pass the similar order. We, therefore, pass the following order :-

(a) The respondent no.4 is directed to process the application that would be filed by the petitioner within four weeks from today for seeking permission to develop the land in question within three months from the date of receipt of such application. It is made clear that the said application shall not be rejected on the ground that a CID enquiry is pending in respect of the order dated 25th November, 1998 or on the ground of failure of the petitioner to obtain no objection of the Competent Authority under the Urban Land (Ceiling and Regulation) Act, 1976.

(b) It is made clear that subject to what is observed above, no adjudication on the entitlement of the petitioner to obtain development permission is made by this order. All contentions on merits of both parties are kept open. Application shall be decided in accordance with law.

(c) It is made clear that if the application is not filed within four weeks from today, the order passed by this court to stand vacated without further reference to court.

6. Writ petition is disposed of on the aforesaid terms. No order as to costs.

7. The parties to act on the authenticated copy of this order.

[SURENDRA P.TAVADE, J.]

[R.D.DHANUKA, J.]