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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

VASANT
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WRIT PETITION NO.858 OF 2022

Prabhakar P. Chorghe

...Petitioner

V/s.

The Municipal Corporation of Cities
of Vasai & Virar & Anr.

...Respondents

Mr.Atul Damle, Senior Counsel with Mr.Suresh M. Sabrad and
Mr.Amey Sawant for the Petitioner.

Mr.Amol Bavare with Ms.Vriushali Pokharna for the Respondent
No.1.

Mr.Sachin J. Kadam for the Respondent No.2.

Mr.Ravi P. Kadam, AGP for the State – Respondent No.3.

CORAM : R.D. DHANUKA &
KAMAL KHATA, JJ.
DATE : 8TH SEPTEMBER, 2022.

P.C. :-

1. Insofar as prayer clause (b) is concerned, we pass the
following order by consent of all the parties :-

a). The writ petition filed by the petitioner shall be considered
as representation on behalf of the petitioner. The Municipal
Commissioner of the respondent no.1 Corporation agrees to grant
personal hearing to the petitioner as well as the respondent no.2

through their authorized representative on the said representation made by the petitioner. Affidavit in reply filed by the respondent no.2 shall be considered as reply to the representation on behalf of the respondent no.2. In addition to the said reply, the respondent no.2 would be at liberty to file additional reply before the Municipal Commissioner within two weeks from today. A copy of such reply shall be served upon the petitioner's counsel by the respondent no.2.

b). The petitioner is at liberty to file additional document / reply or both before the Municipal Commissioner within two weeks from today . A copy thereof shall be served upon the respondent no.2.

c). The Municipal Corporation is directed to consider the said representation and reply submitted by the respondent no.2 along with documents and after granting personal hearing pass an order as to whether the respondent no.2 has committed any breach of the building permission dated 8th October, 2021 as well as commencement certificate described in prayer clause (b) of the petition or not. The Municipal Commissioner shall pass reasoned order.

d). The order shall be passed within eight weeks from the date of parties appearing before the Municipal Commissioner. The petitioner and the respondent no.2 shall appear through their

authorized representative before the Municipal Commissioner on 26th September, 2022 at 11.00 a.m.

e). The order that would be passed by the Municipal Commissioner shall be communicated to the petitioner as well as the respondent no.2 within one week from the date of passing order.

f). If the Municipal Commissioner is of the view that the respondent no.2 has committed any violation of any of the permissions i.e. commencement certificate or building permission or both, appropriate action shall be taken against the respondent no.2.

g). If the order is adverse against the respondent no.2, no coercive steps shall be taken against the respondent no.2 pursuant to the order that would be passed by the Municipal Commissioner for a period of two weeks from the date of communication of the order.

2. This Court has not expressed any views on the rival contentions of the petitioner and the respondent no.2. All contentions on merit are kept open.

3. The writ petition is disposed off in aforesaid terms. There shall be no order as to costs. All parties to act on the authenticated copy of this order.

(KAMAL KHATA, J.)

(R.D. DHANUKA, J.)