

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.9906 OF 2022

Shantanu Apartment Condominium & Ors.

... Petitioners

Vs.

The Commissioner, The Pune Municipal Corporation
& Ors.

... Respondents

Mr. S. S. Panchpor a/w Mr. Mayur Jadhav and Mr. Ratan Adhe for the
Petitioners.

Mr. Rajeep S. Khadapkar for Respondent No.1-Corporation.

Ms. Dipti Karadkar i/by Mr. Ramiz Shaikh for Respondent Nos.2 to 4.

**CORAM : S.V. GANGAPURWALA &
ARIF S. DOCTOR, JJ.**

DATED : 28TH NOVEMBER 2022

PC. :

1. Heard the learned Advocate for the Petitioners, the learned
Advocate for the Respondent-Corporation and the learned Advocate for
Respondent Nos.2 to 4.

2. It is submitted that commencement certificate has been
granted in favour of Respondent Nos.2 to 4. The same is illegal. In the
Civil Suit filed by the Petitioners, though Exhibit 5 was rejected, the
Petitioners filed an Appeal and the Appeal was allowed.

3. Naturally, the Respondent-Corporation would not be in a position to decide the ownership rights amongst the parties.

4. If the representation given by the Petitioners (Page 91 to the Petition) is pending with Respondent No.1-Corporation, then Respondent No.1-Corporation may decide the said representation after hearing the parties, considering the orders of the competent courts, if any, and the documents placed before it. The decision shall be taken upon the representation of the Petitioners preferably within three months from today. If the dispute with regard to the title exists, then certainly Respondent No.1 would not in a position to decide upon it.

5. The Writ Petition is disposed of accordingly. No costs.

(ARIF S. DOCTOR, J.)

(S.V. GANGAPURWALA, J.)