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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

VASANT
ANANDRAO
IDHOL

WRIT PETITION NO.3369 OF 2023

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by VASANT
ANANDRAO
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Date:
2023.07.20
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St.Wilfred Education Society
through its Secretary
V/s.

...Petitioner

Mira Bhayander Municipal Corporation & Ors.

...Respondents

Mr.Sanjiv Sawant with Mr.Abhishek Matkar i/b Mr.Mihir Joshi for the
Petitioner.

Mr.N.R. Bubna for the Respondent – Corporation.

**CORAM : SUNIL B. SHUKRE &
RAJESH S. PATIL, JJ.**
DATE : 19TH JULY, 2023.

P.C. :-

1. Heard learned counsel for the Petitioner and learned counsel for the Corporation. Rule. Rule is made returnable forthwith by consent of the learned counsel for the respective parties.
2. This Petition questions legality and correctness or otherwise of the communication dated 13th December, 2022 on the ground that it refuses to grant part occupancy certificate arbitrarily, without setting out any reasons for refusal.
3. On going through the impugned communication, we cannot but agree with the submission of learned counsel for the

Petitioner. Such communication, being unreasoned, cannot stand scrutiny by law and therefore, it must go.

4. In result, the Petition is allowed and the impugned communication dated 13th December, 2022 is hereby quashed and set aside. The matter is remanded back to the Respondents for fresh consideration of the application of the Petitioner for grant of part occupancy certificate dated 16th November, 2022, in accordance with law. We direct that liberty of hearing shall be granted to the Petitioner before taking a fresh decision on the application dated 16th November, 2022 and for this purpose the Petitioner is directed to appear before the Respondent on 24th July, 2023 at 11:00 a.m. and is also granted liberty to file additional documents physically, if any. We further direct that the final decision shall be taken by the Respondent after taking into consideration the application and all relevant material placed before it at the earliest and in any case within three weeks from the date of appearance of the Petitioner before the Respondent. Rule is made absolute in above terms. No costs.

(RAJESH S. PATIL, J.)

(SUNIL B. SHUKRE, J.)