

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

WRIT PETITION NO. 3739 OF 2023

Dr. Madhuri Rahul Dandekar ... Petitioner
Versus
Panvel City Municipal Corporation
through Legal Dept. & Ors. ... Respondents

Mr. Shardul Singh a/w Mr. Anish Shahapurkar i/by Ms. Sayali S. Sawant for the Petitioner.

Mr. Jagdish G. Aradwad Reddy for the Respondent Nos. 1 and 2.

Mr. Shailesh Redekar a/w Mr. Amul Jawde i/by Mr. A. G. Tulsankar for the Respondent Nos. 3 to 5.

Dr. Anand Gosavi, Medical Officer of Health, Public Health Department Panvel Municipal Corporation, Present.

**CORAM: G. S. KULKARNI &
R. N. LADDHA, JJ.**

DATE : 23rd MARCH, 2023

P.C. :-

. We have heard learned counsel for the parties.

2. The petitioner is a licensee of the premises belonging to respondent nos. 3 to 5, wherein she is conducting a Nursing Home. The licence to run the Nursing Home has been granted to the petitioner by respondent no.1 Pune City Municipal Corporation (for short 'Municipal Corporation'). Respondent no.2 is the Medical Officer, Public Health Department of respondent no.1-Municipal Corporation.

3. The petitioner has filed this petition being aggrieved by the impugned communication dated 8 March 2023 issued by respondent

no.2, whereby in anticipation of the licence granted to the petitioner expiring on 31 March 2023, the petitioner was called upon to vacate the premises within seven days of the said communication, i.e. by 15 March 2023.

4. The issues were discussed before us. We are not required to examine the legality of the communication in view of a fair stand taken on behalf of the Municipal Corporation, when Mr. Reddy, learned counsel for the Municipal Corporation, on instructions, states that the Municipal Corporation shall withdraw the impugned communication dated 8 March 2023. We accept Mr. Reddy's statement.

5. Insofar as the *interse* disputes between the petitioner and respondent nos. 3 to 5 are concerned, they are also being resolved before us, in as much as, the petitioner has agreed that she would intend to occupy the premises upto 15 June 2023 under the licence and the arrangement between the parties and that the possession of the premises in question shall be handed over to respondent nos. 3 to 5 on 16 June 2023. Such arrangement, as agreed between the petitioner and respondent nos. 3 to 5 stands accepted.

6. Insofar as the renewal of the licence is concerned, it is agreed between the petitioner and the respondent nos. 3 to 5 that the licence, as issued to the petitioner by respondent no.2, can be extended upto 16 June 2023. In other words, respondent nos. 3 to 5 would not have any objection if the Municipal Corporation considers the renewal application, which would be submitted and be accepted by the Municipal Corporation by 24 March 2023. The Municipal

Corporation, in the present circumstances, shall not insist for independent NOC from respondent nos. 3 to 5. The Municipal Corporation shall accordingly grant extension of the licence, as may be permissible in law, upto 16 June 2023.

7. Insofar as the terms and conditions of the licence are concerned, we have not examined any of the rival contentions between the parties. In the event, there is any dispute, in regard to the same, we leave it to the parties to agitate their respective contentions in appropriate proceedings, if at all, they are required to be initiated.

8. In the aforesaid circumstances, the petition has been disposed of in the above terms. No costs.

9. Needless to observe that if an application for renewal of licence is submitted by tomorrow, the Municipal Corporation shall decide the same on or before 29 March 2023.

10. All contentions of the parties in that regard are expressly kept open.

11. At this stage, Mr. Singh, learned counsel for the petitioner, on instructions, states that the petitioner shall positively vacate the premises on 16 June 2023 and such statement as made by him on behalf of the petitioner, shall be an undertaking to this Court. Such undertaking stands accepted.

12. All parties to act on an authenticated copy of this order.

[R. N. LADDHA, J.]

[G. S. KULKARNI, J.]