

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.6350 OF 2023

- | | | |
|---|---|----------------|
| 1. Ganga Ishanya Co-op. Housing Society Ltd., Pune |] | |
| 2. Ganga Ishanya C Building Co-op. Hsg. Soc. Ltd., Pune |] | .. Petitioners |

Versus

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|-------------------------------------|---|----------------|
| 1. Pune Municipal Corporation, Pune |] | |
| 2. The Municipal Commissioner, |] | |
| Pune Municipal Corporation, Pune |] | |
| 3. The City Engineer Zone No.5, |] | |
| Pune Municipal Corporation, Pune |] | |
| 4. The Dy. City Engineer Zone No.5, |] | |
| Pune Municipal Corporation, Pune |] | |
| 5. Mahanagar Realty Office, Pune |] | |
| Through its partners, |] | |
| 5A. Subhash Sitaram Goel |] | |
| 5B. Rahul Sureshchandra Garg |] | |
| 5C. Rohit Sureshchandra Garg |] | |
| 5D. Aditya Purushottam Lohiya |] | |
| 5E. Bharat Mithalal Nagori |] | |
| 5F. Swarnasingh Gyansingh Sohal |] | |
| 5G. Eisha Structure Ltd. |] | |
| 5H. Anurag Subhash Goel |] | .. Respondents |

Mr. A.V. Anturkar, Sr. Advocate, with Mr. Shubham H. Misar, for the Petitioners.

Mr. Rajdeep S. Khadapkar for Respondent Nos.1 to 4.

Mr. G.S. Godbole, Sr. Advocate, with Mr. Anuj Desai, i/by Mr. Pankaj Das, for Respondent No.5.

CORAM : SUNIL B. SHUKRE & R.N. LADDHA, JJ

DATE : 8TH JUNE, 2023.

ORAL JUDGMENT : { Per Sunil B. Shukre, J. }

1. RULE. Rule is made returnable forthwith. Heard finally, by consent of learned Senior Advocate for the petitioners, learned counsel for respondent nos.1 to 4 and learned Senior Advocate for respondent no.5.

2. It appears that not only the representations dated 30th December 2022 and 12th January 2023 made by the petitioners are pending for consideration and decision of respondent no.2-Municipal Commissioner, even the representations dated 2nd May 2022, 30th December 2022 and 9th January 2023 are pending consideration and decision of the learned Municipal Commissioner.

3. We are of the view that purpose of this petition, for the present, shall stand served by issuing necessary directions for taking appropriate decision on these representations by respondent no.2. Accordingly, we pass the following order :-

- (i) Petition is partly allowed.
- (ii) Respondent no.2-Municipal Commissioner is directed to decide the representations dated 30th December 2022 and 12th January 2023 filed by the petitioners and also the representations dated 2nd May 2022, 30th December 2022 and 9th January 2023 filed by respondent no.5, in

accordance with law, as expeditiously as possible, preferably within three weeks from the date of appearance of the petitioners and respondent no.5 before respondent no.2-Municipal Commissioner.

- (iii) Liberty is granted to the petitioners as also to the respondent no.5 to submit their respective notes of arguments before respondent no.2-Municipal Commissioner, while exchanging them with each other.
- (iv) Parties shall appear before respondent no.2-Municipal Commissioner on 19th June 2023 at 11:00 a.m.
- (v) It is made clear that only the petitioners and respondent no.5 or their authorized representatives are permitted to appear before respondent no.2-Municipal Commissioner.
- (vi) All contentions are kept open.

4. Rule is made absolute in the above terms. Petition is disposed of.

[R.N. LADDHA, J.]

[SUNIL B. SHUKRE, J.]