

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

**WRIT PETITION NO. 8714 OF 2021**

Anand Developers

.. Petitioner

Vs.

Municipal Commissioner

Pimpri Chinchwad Municipal

Corporation & Ors.

.. Respondents

Mr. Surel Shah a/w. Mr. Suhas S. Deokar for the Petitioner.

Mr. Deepak R. More a/w Mr. Shivram A. Gawade for the Respondent Nos. 1 and 2-Corporation.

Mr. Mandar Soman for Respondent Nos.3 and 4.

Mr. Sanjiv A. Sawant a/w. Mr. Abhishek Mathur and Ms. Bhakti Wast for Respondent Nos.5 and 6.

**CORAM : A.S. CHANDURKAR &  
M.W. CHANDWANI, JJ**

**DATE : 13<sup>TH</sup> FEBRUARY, 2023.**

**P.C. :**

1. Heard.

2. The petitioner seeks grant of part Occupation Certificate for residential building “A” & “B” constructed on survey No.56/3/15 (part), Tathawade, Pune. During pendency of the Petition, order dated 13<sup>th</sup> October, 2022 was passed by this Court by which the Municipal Corporation was required to consider the petitioner’s application for issuance of part Occupation Certificate. The parties were directed to appear before the Municipal Corporation to enable the Executive Engineer, Building and Permission

Department to consider the matter. Accordingly, the said Authority considered the matter and on 12<sup>th</sup> December, 2022, after hearing the concerned parties has held that the Petitioner had sought development permission for 3500 sq. meters land and 400 sq. meters land was retained by respondent Nos.3 and 4. As and when permission would be sought by the Respondent Nos.3 and 4 to develop 400 sq. meters of land, the said Respondents would be required to keep area measuring 6.50 meters for access. It has been further observed that there is no question of granting any compensation to the Petitioners. In the said order, reference is made to Rule 3.3.14 of the Unified Development Control and Promotion Regulations for the State of Maharashtra.

3. We find that in view of the decision taken by the Municipal Corporation on 12<sup>th</sup> December, 2022, the petitioner's application for grant of part Occupation Certificate, *vide* application dated 14<sup>th</sup> January, 2021, can now be considered by the Municipal Corporation. Accordingly, Writ Petition is disposed of by directing the Municipal Corporation to decide the petitioner's application dated 14<sup>th</sup> January, 2021 seeking grant of part Occupation Certificate in accordance with law within a period of four weeks from the date of receiving copy of this order. Any party aggrieved by such decision is free to further take legal recourse in accordance with law. The rights and contentions of parties in that regard are kept open. The Writ Petition is disposed of in aforesaid terms with no order as to costs.

[ M.W. CHANDWANI, J. ]

[ A.S. CHANDURKAR, J. ]