

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.8073 OF 2024

Utkarsh Associates

.. Petitioner

Versus

The State of Maharashtra & Ors

.. Respondents

WITH
INTERIM APPLICATION NO.9559 OF 2024
IN
WRIT PETITION NO.8073 OF 2024

Rasul Ansar Chitari

..Applicant/Intervener

IN THE MATTER BETWEEN

Utkarsh Associates

.. Petitioner

Versus

The State of Maharashtra & Ors

.. Respondents

Mr.Shekhar Jagtap, with Sairuchita Chowdhary, Advocates for the Petitioner.

Mr.A. I. Patel, Addl. GP, with Mr.R. S. Pawar, AGP, for Respondent No.1 State.

Mr.Anil Sakhare, Senior Advocate i/b Abhijit Kulkarni, with Sweta Shah, Gaurav Sahane Advocates for Respondent Nos.2 and 3.

Mr.Vineet Naik, Senior Advocate with Abdul Hafeez Yakub Kotwala, Advocates for Respondent Nos.4 and 5.

Mr.Pralhad Paranjape i/b Manish Kelkar, Advocates for the Applicant in IA.9559 of 2024.

**CORAM: B. P. COLABAWALLA &
FIRDOSH P. POONIWALLA, JJ.**
DATE: JULY 12, 2024

P. C.

The above Writ Petition is filed inter alia to set aside the letter dated 14th May, 2024 issued by the Pune Municipal Corporation. By the said notice, the Petitioner has been asked to stop work and also to show cause why his Commencement Certificate No.CC/1542/19 should not be canceled/revoked. This letter is issued by the Pune Municipal Corporation on the strength of a letter received by it from the Maharashtra State Board of Waqfs, Chatrapati Sambhajinagar dated 7th May, 2024.

2 After we heard this matter on 10th July, 2024, we adjourned it to today for Mr.Naik, the learned Senior Counsel appearing on behalf of the Board (Respondent Nos.4 and 5), to take instructions.

3 Today when the matter is called out, Mr. Naik, on instructions, states that the Board is withdrawing the letter dated 7th May, 2024. Once this is the statement made by Mr.Naik, then, the basis on which the stop work notice has been issued by the Pune Municipal Corporation does not survive.

In these circumstances, the Stop Work Notice issued by the Pune Municipal Corporation on 14th May, 2024 is hereby quashed and set aside.

4 We are also informed that one Mr. Rasul Ansar Chittari, and who has filed the Intervention Application in the above Writ Petition, has filed an application before the Waqfs Board in relation to the property which forms the subject matter of this Writ Petition. That application has been heard in which the Petitioner has also participated, and the same is closed for orders. We, therefore, direct that until orders are pronounced in that application, no further letters/communications shall be issued by the Board stalling the construction being carried out by the Petitioner. If for any reason the order passed by the Waqfs Board is adverse to the Petitioner, in such situation, necessary directions can be passed by the Waqfs Board, subject to any Appeal provided for to the Petitioner or the Intervener, as the case may be.

5 The Writ Petition is disposed of in the aforesaid terms. However, there shall be no order as to costs.

6 In view of the disposal of the Writ Petition, and the observations made in this order, nothing survives in the above Interim Application and the same is disposed of accordingly.

7 It is needless to clarify that the Waqfs Board shall decide the application filed by Mr.Rasul Chittari on its own merits and in accordance with law uninfluenced by the observations made in this order.

8 This order will be digitally signed by the Private Secretary/ Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

[FIRDOSH P. POONIWALLA, J.]

[B. P. COLABAWALLA, J.]