

WRIT PETITION NO.20 OF 2024

ARUN VISHRAM RANE

... PETITIONER

Versus

THE DEPUTY TOWN PLANNER
AND 2 ORS.

... RESPONDENTS

WRIT PETITION NO.21 OF 2024

AJIT YESHWANT AROSKAR

... PETITIONER

Versus

THE DEPUTY TOWN PLANNER
AND 2 ORS.

... RESPONDENTS

WRIT PETITION NO.25 OF 2024

FAKIRAPPA SAMBHAJI PATIL

... PETITIONER

Versus

THE DEPUTY TOWN PLANNER
AND 2 ORS.

... RESPONDENTS

Mr A. D. Bhobe with Ms A. Bandekar, Advocates *for the Petitioners in all petitions.*

Mr D. Pangam, Advocate General with Mr T. Gawas (WP No.20/2024), with Mr S. Parab (WP No.21/2024) and with Mr G. Shetye (WP No.25/2024), Additional Government Advocates *for the State*.

**CORAM: M.S. SONAK &
VALMIKI SA MENEZES, JJ.**

DATE: 24th JANUARY 2024

P.C.:

- 1.** Heard Mr Bhobe who appears along with Ms A. Bandekar for the petitioners and Mr D. Pangam, learned Advocate General appears for the respondents.

2. In all these petitions, the petitioners seek a writ of mandamus to direct the first respondent to dispose of petitioners' applications dated 03.10.2023 for issuing the completion certificate.

3. Learned AG submits that the first respondent, has issued show cause notices dated 16.01.2024 to the petitioners requiring the petitioners to show cause as to why the technical clearance orders issued should not be withdrawn/revoked for prima facie non-fulfilment of some of the conditions set out in the technical clearance order. Learned AG handed over copies of the show cause notices to the Court and to Mr Bhobe, learned counsel for the petitioners.

4. Learned AG submits that until these show cause notices are disposed of, there is no question of issuing any completion certificates as applied for by the petitioners. He submits that the issue of completion certificate will therefore depend upon the outcome of the show cause notices.

5. Accordingly, we direct the first respondent to dispose of the show cause notices within four weeks from today. Mr Bhobe has accepted the show cause notices on behalf of the petitioners and states that necessary replies would be filed within a week from today. Accordingly, the show cause notices must be disposed of by granting an opportunity of hearing to the petitioners. The petitioners must attend the hearing on the date assigned by the first respondent so that the first respondent is in a position to dispose of the show cause notices within four weeks.

6. If the show cause notices are discharged, the application for grant of completion certificates must be disposed of within fifteen days from the date of such discharge.

7. We clarify that we have not examined the rival contentions on merits since these petitions were only for a direction to the first respondent to dispose of the application for completion certificates. Accordingly, all contentions of all parties are left open.

8. The petitions are disposed of in above terms without any order for costs.

VALMIKI SA MENEZES, J.

M. S. SONAK, J.