

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDCITION**

WRIT PETITION NO.2591 OF 2013

Chheda Complex Co.op. Soc. Ltd.	..Petitioner.
vs.	
Mumbai Municipal Corporation and ors.	..Respondent.

Mr. Kayval P.Shah for the Petitioner.
Smt. Shobha Ajitkumar for the BMC.

**CORAM : A.S.OKA AND
A.P. BHANGALE, JJ.
DATE : 30TH MARCH, 2015**

PC:

The substantive prayer in this petition filed by the petitioner is to direct the first respondent Municipal Corporation and the 2nd respondent-Assistant Engineer to permit the petitioner to complete the unfinished work of the compound wall around the Chheda complex Co-op. Housing Society Limited. Going by the averments made in the petition, there is no valid development permission on the basis of which the construction of compound wall is made. The petitioner has relied upon the letter addressed to the 2nd respondent.

2) If the petitioner wants permission to construct compound wall, the petitioner will have to make a regular application for grant to permission in a prescribed form in accordance with the Rules.

3) Therefore, at this stage, this petition cannot be entertained. We dispose of the petition by granting liberty to the petitioner to make an application for grant of permission in the prescribed form. If such application is made by the petitioner, the appropriate office of the first respondent shall consider the same and decide the same in accordance with law within a period of two months from the date of the application. All contentions of the parties on merits are kept open.

(A.P. BHANGALE, J.)

(A.S. OKA, J.)