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

WRIT PETITION(L) NO.1777 OF 2015

Sameer Dnyandev Wankhede & Anr.

..Petitioners

-Versus-

Mumbai Municipal Corporation & Ors.

..Respondents

.....

Mr. Nitin Arvind Ghawre for the Petitioners.

Mrs. Shobha Ajitkumar for the Respondent-BMC.

.....

**CORAM: A. S. OKA AND
REVATI MOHITE DERE, JJ.**

DATE :- 24th JUNE 2015.

PC.:

Not on board. Taken on board.

2] Heard the learned counsel appearing for the petitioners. He states that the petitioners are the owners of four Garages which are shown in the sanctioned development plan as Garages. This petition is filed on the basis of an apprehension that the Mumbai Municipal Corporation will issue a notice in terms of sub-section(1) of section 53 of Maharashtra Regional and Town Planning Act, 1966 in the light of order dated 13.4.2015 in Writ Petition No.2369/2014.

3] When a query was made by the Court, the learned counsel for the petitioners, on instructions, states that the petitioners have converted the

Garages into shops.

4] Even according to the case of the petitioners, in the sanctioned development plan, the said premises have been shown as Garages. Thus, admittedly, the petitioners have indulged in change of user without the permission of the Competent Authority. Therefore, this is not a fit case where the petitioners should be allowed invoke the extraordinary jurisdiction of this Court under Article 226 of the constitution of India. The petition is accordingly rejected.

(REVATI MOHITE DERE,J.)

(A. S. OKA, J.)

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