

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

***PUBLIC INTEREST LITIGATION NO. 80 OF 2014
ALONG WITH
NOTICE OF MOTION NOS. 313, 271 & 317 OF 2014***

Smt.S.G.P. Barnes

... Petitioner in all
matters.

v/s

The Municipal Commissioner of
BMC & ors.

... Respondents

Smt.S.G.P. Barnes – petitioner in person.

Ms.Trupti Puranik for the respondent No.1.

Ms.Uma Palsule-Desai, A.G.P. for respondent No.2.

***CORAM: SMT. VASANTI A. NAIK &
SHRI C. V. BHADANG, JJ.***

DATED : 3RD FEBRUARY 2015

P.C.:

Heard.

The learned counsel for the Corporation and the learned Assistant Government Pleader for the State Government raise a preliminary objection and state that the petitioner could not have filed the Public Interest Litigation, as by this petition, the petitioner has sought the Occupation Certificate. It is stated that the petitioner has purchased a flat in one of the buildings that is constructed on the land/mountain in question.

On reading of the writ petition, we uphold the preliminary objection raised on behalf of the respondents and dispose of the Public Interest Litigation along with the notice of motion. The petitioner is however free to take appropriate proceedings for seeking the grant of Occupation Certificate, as permissible in law.

Order accordingly. No costs.

(C. V. BHADANG, J.)

(VASANTI A. NAIK, J.)