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

WRIT PETITION (L.) NO.2274 OF 2015

Shan Ali Kaimat Jan Pasha

... Petitioner

Versus

Municipal Corporation of Greater Mumbai and Anr.

... Respondents

Mr. Altaf Khan, for the Petitioner.

Mr. Vinod Mahadik, for the Respondent – BMC.

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

DATE : 4th AUGUST, 2015

PC.

. **Not on board. Taken on board.**

. The only challenge in this Petition under Article 226 of the Constitution of India is to the notice issued by the Respondent - Corporation informing the Petitioner that the officers of the Municipal Corporation would enter the premises of the Petitioner in order to make inspection and take measurements.

2. The submission of the learned counsel appearing for the Petitioner is that the purpose of visit is not stated in the said notice and it is obvious that the visit is at the instance of a third party who has instigated the Municipal Officers against the Petitioner.

3. The first Respondent is the Planning Authority under the Maharashtra Regional and Town Planning Act, 1966. The first Respondent has several powers under the Mumbai Municipal Corporation Act, 1888. All that is sought to be done by the Municipal Corporation is to take inspection of the premises in possession of the Petitioner and to take measurements thereof. If the Petitioner has approved the plans in respect of the structures in possession, he is free to show it to the municipal officers. The date fixed for visit of the Officers was 3rd August, 2015. Advance notice of at least 3 to 4 days of the proposed visit shall be given to the Petitioner by the Assistant Engineer (Building and Factories), F/South Ward. We must state here that specific date and time will have to be informed to the Petitioner by the notice.

4. If according to the Petitioner he does not possess the sanctioned plan but his structure is otherwise protected, at appropriate stage, the Petitioner can raise the said contention. Suffice it to say that merely by act of making inspection and taking measurements, rights of the Petitioner are not affected in any manner. Subject to above directions, the Petition is disposed of.

(REVATI MOHITE DERE, J)

(A.S. OKA, J)