

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O.O.C.J.
WRIT PETITION NO.101 OF 2015

Haseena D/o. Abaker Wahedna w/o. Yusuf Vahedna ... Petitioner

Vs.

The Municipal Corporation of Greater Mumbai ... Respondent

Mr.Y.K. Tiwari & Rajesh P. i/b M/s.K.P. Tiwari & Co. for the Petitioner
Ms.Sarina Lopez for Intervener
Ms.Shobha Ajithkumar for Corporation

CORAM: **MRS.VASANTI A. NAIK &
MRS.MRIDULA BHATKAR, JJ.**
DATE: **9th MARCH, 2015**

P.C.:

By this petition, the petitioner seeks a direction to the respondent – Corporation to permit the petitioners to construct / reconstruct garage No.3 admeasuring 200 sq.ft. on South-West corner of the building compound, in the concerned apartment.

According to the petitioner, by an order dated 12.8.1982, the petitioner was permitted to enclose an area for an open type garage in the premises in question. It is stated that suddenly after a lapse of more than 40 years, the respondent-Corporation illegally demolished the garage constructed by the petitioner. It is stated that the action of demolition could not have been initiated by the Corporation as the garage was constructed after securing due permission.

On hearing the learned Counsel for the parties and on a perusal of the order dated 12.8.1982, it appears that the relief sought by the petitioner cannot be granted. The petitioner was permitted to construct open type garage in the building premises for a period of one year only. It is stated that the permission of construction of temporary garage was for a period of one year and the petitioner was permitted to secure permission for renewal of the said permission every year from the concerned Ward Officer. After the said permission was granted on 12.8.1982, the said permission was never renewed by the Ward Officer, much less every year till the garage structure was demolished / removed pursuant to the notice dated 10.7.2014 by the Corporation as the same was illegal. After the expiry of the period of one year from 12.8.1982, the petitioner could not have retained the temporary garage on the plot in question in terms of the permission dated 12.8.1982. We do not find any illegality in the action of the corporation in removing the garage.

Since there is no merit in the Writ Petition, the petition fails and is dismissed with no order as to costs.

(MRIDULA BHATKAR, J.)

(VASANTI A. NAIK, J.)