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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO.876 OF 2015**

M/s. Marve Enterprises and Anr.	... Petitioners
Vs.	
The Municipal Corporation of Greater Bombay and Ors.	... Respondents

Mr. C.K. Tripathi, for the Petitioners.
Mrs. Shobha Ajitkumar, for the Respondent – BMC.
Mr. R.D. Soni a/w M.S. D'mellow, for the Respondent No.3.

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

DATE : 15th JUNE, 2015

PC.

. Heard the learned counsel appearing for the Petitioners.

The Petitioners are claiming to be the owners of the property in question. The Petitioners claim that under the agreement dated 7th August, 2008 they had appointed the third Respondent as the Developer of the property in question. Along with the Development Agreement, the Petitioners had executed a Power of Attorney in favour of the third Respondent. The case made out in the Petition is that subsequently the Development Agreement was terminated. The prayer in this Petition is for issuing a Writ of Mandamus directing the first Respondent – Municipal Corporation to revoke the Intimation of Disapproval and the

Commencement Certificate issued to the third Respondent. It appears that the third Respondent was granted Intimation of Disapproval and Commencement Certificate on the basis of the application made by the third Respondent. As stated earlier, even according to the Petitioners, they had executed a Power of Attorney empowering the third Respondent to take various steps for development of the property.

2. The learned counsel appearing for the Petitioners submitted that earlier Petition filed by the Petitioners was disposed of by this Court by granting an opportunity to the Petitioners to make a fresh representation to the first Respondent – Municipal Corporation. He states that notwithstanding a fresh representation made, the Municipal Corporation has not taken any action.

3. We have considered the submissions. Revocation of Intimation of Disapproval and Commencement Certificate is sought only on the basis of the termination of the Development Agreement. It is not the case of the Petitioners that the Intimation of Disapproval and the Commencement Certificate are otherwise illegal. Therefore, we cannot find fault with inaction on the part of the Municipal Corporation. If the case of the Petitioners is that the Development Agreement has been validly terminated and notwithstanding the said termination, the third

Respondent has proceeded with the construction or the work of development, the remedy of the Petitioners is to approach the appropriate Civil Court and seek appropriate relief against the third Respondent.

4. Subject to what is observed above, no case is made out for interference in writ jurisdiction. The Petition is disposed of. The remedies of the Petitioners are kept open.

(REVATI MOHITE DERE, J)

(A.S. OKA, J)