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***IN THE HIGH COURT OF JUDICATURE AT BOMBAY***

***CIVIL APPELLATE JURISDICTION***

***WRIT PETITION No. 4384 OF 2016***

***M/s. Victory Realtors Pvt. Ltd.***

***...Petitioners***

***Vs.***

***M.C.G.M. And Anr.***

***...Respondents***

\*\*\*\*\*

Ms.A.D. Vhatkar for Petitioners

Mr.Vinod Mahadik for Respondent -BMC

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***CORAM : V. M. KANADE &  
M.S. KARNIK, JJ.***

***DATE : APRIL 21, 2016***

**P.C. :**

1. Not on Board. Upon mentioning, the matter is taken on the Board.
2. By this petition, which is filed under Article 226 of the Constitution of India, the Petitioners are seeking an appropriate writ, order and direction for setting aside the notice dated 6/2/2016 annexed at Exhibit 'B' to the petition.
3. Perusal of the notice indicates that the Corporation has asked the Petitioners to remove the unauthorized erection of boundary with G.I.

Sheets and M.S. Angles on the land without permission from the Corporation.

4. The learned counsel for the Petitioners submits that the Petitioners had purchased this property in the year 2011 on 'As is Where is' basis and these sheets have not been erected by the Petitioners. The Petitioners are not in a position to produce any record indicating that the permission to erect this structure was either taken by their predecessor in title or by them, after purchasing of the said property.

5. In this view of the matter, the reliefs claimed by the Petitioners in this petition cannot be granted. Hence, petition is dismissed. The Petitioners are at liberty to make a representation to the Corporation for regularization of the structure. If such an application / representation is made by the Petitioners, the same may be considered by the Corporation on merits and in accordance with law.

***M.S.KARNIK, J.***

***V.M. KANADE, J.***