

Sequeira

*IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION*

WRIT PETITION NO. 11310 OF 2016

Yogesh Banthia.

.. Petitioner.

Vs.

The Municipal Corporation of
Greater Mumbai.

.. Respondent

Mr.Ashish Shete i/b Jayakar & Partners, for the Petitioner.

Mrs.M.R.Bhoir, for the Respondent-BMC.

***CORAM : N.M.Jamdar, J.
Friday, 30 September 2016.***

P.C. :

Not on board. Taken on production board by way of praecipe.

2. By this petition, the Petitioner challenges the order passed by the Ad-hoc. Assistant Sessions Judge Mumbai, dated 6 September 2016 permitting Respondent-Corporation to file a Written statement subject to cost of ₹ 3000.

3. The learned counsel for the Petitioner submitted that Respondent-Corporation was represented in the proceedings throughout and the application disclosed no cogent grounds.

4. I have considered this submission. The Petitioner has invoked the power of superintendence of this Court. The Respondent-Corporation has issued a notice of demolition under Section 351 of Mumbai Municipal Corporation Act, 1888. The notice has been issued in order to enforce the planning laws, in which all residents of this have an interest. Consequently, the Respondent-Corporation is acting in public interest. It is not that there is no reason given in the affidavit in support of Notice of Motion. Reason is given regarding the Municipal Corporation talks. The discretionary order passed by the Court, in permitting the Corporation to file Written statement subject to costs, cannot be stated to be perverse. Considering the nature of the litigation, no interference is warranted under Article 227 of the Constitution. The Writ petition is accordingly rejected.

(N.M.Jamdar, J.)