

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 612 OF 2016**

Wallace Flour Mills Co. Pvt. Ltd.
versus
The Municipal Commissioner,
Brihanmumbai Municipal Corporation
and 3 ors.

....Petitioner

...Respondents

Mr. R. V. Govilkar i/b. Mr. Prakash Mahadik, advocate for the petitioner.
Mr. H. C. Pimple, advocate for respondent Nos. 1 to 3.
Mr. Vaibhav Sugdare i/b. Jayakar & Partners, advocates for respondent No.4.

**CORAM : RANJIT MORE &
ANUJA PRABHUDESSAI, JJ.**

DATE : 14th JUNE, 2016.

P. C. :

Heard learned counsel for the respective parties.

2. The petition is filed seeking direction to respondent Nos. 1 to 3 to take action in accordance with law on petitioner's complaint about illegality and unauthorized construction made by respondent No.4.

3. Learned counsel for respondent No.4, on instructions, states that respondent No.1- Municipal Corporation has already issued notice dated 29th March, 2016 under Section 351(1) of the Mumbai Municipal

Corporation Act, 1888 to respondent No.4 as well as the petitioner. This fact is not disputed by Mr. Govilkar, learned counsel for the petitioner. In the above circumstances, the petition is worked out and is disposed of as such.

4. Mr. Govilkar, learned counsel for the petitioner submitted that the Corporation be directed to take decision on the said notice. It is made clear that we have not expressed any opinion on merits and we hope that the Corporation would take appropriate decision on the said notice independently on its own merits and in accordance with law expeditiously.

(ANUJA PRABHUDESSAI, J.)

[RANJIT MORE, J.]