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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION NO.2571 OF 2013

Mrs. Gulshan Rohinton Irani

... Petitioner

Vs.

Mumbai Municipal Corporation and Ors.

... Respondents

Dr. R.A. Thorat, Senior Counsel a/w Mr. P.J. Ramchandani for the
Petitioner.

Mrs. Geeta Joglekar for the Respondent Nos.1 to 3 - BMC.

**CORAM : A.S. OKA &
C.V. BHADANG, JJ.**

DATE : 16th FEBRUARY, 2016

PC.

1 Heard the learned Senior Counsel appearing for the
Petitioner and the learned counsel appearing for the Municipal
Corporation. The disputed questions of legality and validity of the
canopy are involved. Therefore, it will be appropriate if the Petitioner
adopts the remedy of filing a civil suit. The substantive challenge is to
the notice under Section 354 of the Mumbai Municipal Corporation Act,
1888. The challenge to the action under Section 354 is not barred
under Section 515A of the Mumbai Municipal Corporation Act, 1888.

2 Therefore, we decline to entertain this Writ Petition under
Article 226 of the Constitution of India by granting a liberty to the

Petitioner to adopt appropriate proceedings in accordance with law. To enable the Petitioner to do so, the ad-interim relief granted on 13th January, 2014 shall continue to operate for a period of six weeks from today.

(C.V. BHADANG, J)

(A.S. OKA, J)