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

WRIT PETITION NO.790 OF 2015

Sweet Angle Home Builders	... Petitioners
Versus	
The Municipal Corporation for Greater Mumbai and Ors.	... Respondents

Mr. G.S. Hegde i/by Ms. Pinky Mohanlal Bhansali for the Petitioners.
Mrs. Shobha Ajitkumar for the Respondent – BMC.
Mr. U.S. Upadhyay, the learned AGP for the Respondent Nos.3, 4 and 5.

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

DATE : 1st FEBRUARY, 2016

PC.

1. Heard the learned counsel appearing for the parties. Prayer clause (a) for enforcing the order passed on 18th July, 2013 in Suit No.2144 of 2011 cannot be entertained in this Petition. As far as prayer clause (b) is concerned, the City Survey Officer who is a Survey Officer under the Maharashtra Land Revenue Code, 1966 cannot carry out survey unless there is a proper application made by the Petitioner and survey fees are paid.

2. Hence, we dispose of the Petition by passing the following order :-

ORDER

(i) Prayer (a) is not entertained with a liberty to take

appropriate proceedings;

- (ii) If the Petitioner has already applied for survey by making a necessary application to the Survey Officer under the Maharashtra Land Revenue Code, 1966, the Petitioner shall produce a copy of the said application before the concerned Survey Officer within a period of two weeks from today. The Petitioner shall produce the copy of the application along with payment receipt before the concerned Survey Officer within a period of two weeks from today. In such event, the concerned Survey Officer shall carry out and complete survey after notice to the concerned parties within a period of two months from today;
- (iii) If the Petitioner has not made any application in the prescribed form and has not paid fees of the survey, it will be open for the Petitioner to make a fresh application to the concerned Survey Officer. In that event, survey shall be carried out by the concerned Survey Officer within a period of two months after notice to all the concerned from the date on which the survey fees are paid by the Petitioner;
- (iv) The Petition is disposed of on above terms.

(C.V. BHADANG, J)

(A.S. OKA, J)