

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

**PUBLIC INTEREST LITIGATION NO.14 OF 2011
WITH
CHAMBER SUMMONS NO.37 OF 2012**

Manubhai Paragji Vashi ...Petitioner
vs.
Brihanmumbai Municipal Corporation
and Others ...Respondents

Mr. S.M. Sharma, an *Amicus Curiae*.
Mr. S.S. Pakale, a/w. Ms. Trupti Puranik, for Respondent No. 1.
Mr. Suresh Kumar, for Respondent No. 2.
Mr. Ajay Fernandes i/b. Motiwalla and Co., for Respondent No. 3.
Ms. M.H. Doshi, for Respondent No. 4.
Ms. Uma Palsule-Desai, AGP for Respondent No. 5.
Mr. Rui Rodriques a/w. Mr. H.V. Mehta, for Respondent No. 6.

CORAM : SHANTANU KEMKAR &
MAKARAND KARNIK, JJ.

DATE : **AUGUST 26, 2016**

P.C.:

. Through this Public Interest Litigation, the Petitioner has
claimed the following reliefs:

“a) To issue writ of certiorari, writ of mandamus or any other appropriate writ or direction and to direct the First Respondent to submit the details about the total outstanding by way of water charges, property taxes, sewerage charges and other dues recoverable from the public and private bodies and to recover the said amount recoverable under different 'Heads'.

b) To direct Respondent No. 2 to 6 pay up the arrears of water charges and other dues payable to the First Respondent as per the statement annexed to the Petition.

c) It be declared that Section 279 of the Bombay Municipal Corporation Act is discriminatory inasmuch as it is applicable only to private bodies and not to the public bodies and the word 'private' appearing in the said section may be ordered to be struck down.

d) To direct Respondent No. 1 and their officers to disconnect the water connection of Respondent Nos. 2 to 6 and all other charges after giving notice.

2. From time to time, Respondents have filed their reply. Having considered the various replies filed by the Respondents including Respondent No. 1- Municipal Corporation, we are of the view that this Public Interest Litigation deserves to be disposed of by granting liberty to the Respondent No. 1- Municipal Corporation to recover the amount of water charges, sewerage charges, service charges and other payable taxes from the Respondents/Institutions if due and payable in accordance with law.

3. We make it clear that the Municipal Corporation shall be free to recover the same after following the due process of law from the institutions which are liable to pay the same.

4. With the aforesaid direction, the Petition stands disposed of.

5. In view of the above, the Chamber Summons is also disposed of.

(MAKARAND KARNIK, J.)

(SHANTANU KEMKAR, J.)