

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

WRIT PETITION NO.3084 OF 2015

Jalaram Krupa Co-operative Housing Society Limited	..	Petitioner
Vs.		
Municipal Corporation of Gr.Mumbai & Ors.	..	Respondents

Ms.Damani i/by Mr.Jitendra G. Damani for the petitioner.
Mrs.Shobha Ajitkumar for the respondent nos.1 & 2-MMC.

CORAM : A.S. OKA & C.V. BHADANG, JJ.
DATE : 18th January 2016

P.C.

. Not on board. Taken on board.

2. Heard learned counsel appearing for the petitioner. The main grievance of the petitioner is that the third respondent who is a developer of the property has failed to apply for grant of occupation certificate even after a legal notice is issued by the petitioner to the third respondent calling upon him to apply for occupation certificate.

3. In absence of an application made by the third respondent for grant of occupation certificate, the Municipal Corporation cannot take any action. Therefore, the remedy of the petitioner is to proceed against the third respondent who, according to the petitioner, is under an obligation to apply for grant of occupation certificate.

4. Hence, we decline to entertain this petition under Article 226 of the Constitution of India. While keeping the remedy of the petitioner expressly open, the Petition is disposed of.

(C.V. BHADANG, J.)

(A.S. OKA, J.)