

DDR

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5123 OF 2016

M/s. High Class Developer & Others ...Petitioners

versus

Municipal Corporation of Gr. Mumbai
& Others

...Respondents

.....

Mr. Shyam Kapadia with S.B. Pawar and Swati Sawant,
Advocates i/by S.K. Legal Associates for Petitioners.

Mr. Vinod Mahadik with Ms. Oorja Dhond, for Respondent-BMC.

.....

CORAM : B.R.GAVAI &

M.S. KARNIK, JJ.

DATED: 16TH AUGUST, 2017

P.C. :

The petitioners have an alternate remedy of file an Appeal under the provision of Section 217 of the Maharashtra Municipal Corporations Act.

2. We are therefore not inclined to entertain the present petition under Article 226 of the Constitution of India.

Needless to state that since the petitioners were under an erroneous advise, pursuing a wrong remedy, they would be entitled for benefit of Article 14 of Limitation Act, for the period during which the present petition was filed, if he chooses to avail the remedy, available in law. The Petition is accordingly disposed of.

(M.S. KARNIK, J.)

(B.R.GAVAI, J.)