

Jsn

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

WRIT PETITION NO. 183 OF 2017

Sonu Hansraj Sharma ...Petitioner
Versus
Municipal Corporation of Greater Mumbai & ...Respondents
Ors.

WRIT PETITION NO. 622 OF 2017

Asha Sonu Sharma ...Petitioner
Versus
Municipal Corporation of Greater Mumbai & ...Respondents
Ors.

Ms. Komal Gaikwad, i/b. R.K. Mendadkar, for the Petitioners.
Ms. Kejali Mastakar, for the MCGM.

**CORAM: SMT. VASANTI A NAIK AND
RIYAZ I. CHAGLA, JJ.**
DATED: 4th OCTOBER 2017

PC:-

By these Writ Petitions, the petitioners seek a direction against the respondent Corporation to decide the representations of the petitioners dated 13th January 2014.

According to the petitioners, after the petitioners received the communication dated 11th January 2014 asking them to remove the unauthorised structure, the petitioners had made a representation to the respondent Corporation that the petitioners are entitled to retain the structures and the structure of the petitioners viz. shops Nos.7 & 8 need to be protected. It is the

case of the petitioners that, though the petitioners had made the representations in the year 2014 – 2015, the same are not decided till date and hence a direction may be issued against Corporation to decide the same.

If the respondent Corporation has not taken any adverse action in pursuance of the notice dated 11st January 2014 and the representations of the petitioners, the petitioners would not have a cause for filing this petition. When the Corporation initiates any adverse action against the petitioners for removal of the structures, it would be permissible for the petitioners to approach the Court. It appears that the Corporation has not taken any action against the petitioners in furtherance of the notice dated 11th January 2014. If that be so, the petitioners should have waited till an adverse action was sought to be initiated against them in pursuance of the notice, served on them three years earlier. It is possible that the Corporation may not take any action against the petitioners.

Since the possession of the petitioners is not threatened, as on this date, we dispose of the Writ Petitions with liberty to the petitioners to take steps, if an occasion arises in future. No costs.

(RIYAZ I. CHAGLA J.)

(SMT. VASANTI A NAIK, J.)