

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION (L) NO. 64 OF 2017

M/s Harekrishna Builders .. Petitioner
V/s
Municipal Corporation of Greater Mumbai & Ors. .. Respondents

Mr. Ramesh Ramamurthy for the petitioners.
Ms. Trupti Puranik for respondent no.1.
Mr. G.D. Utangale i/b Utangale & Co. for respondent nos.2 and 3.
Mr. H.K. Shenoy for respondent no.4.

**CORAM: DR. MANJULA CHELLUR, C.J. &
N.M. JAMDAR, J.**

DATE : 7th JUNE 2017

P.C.:

The present petitioner is before this Court on the ground that when the petitioner had completed 80% of the work of SRA Scheme in question, the members decided to change the developer. When such issue came up for consideration, the SRA heard the matter, but no orders were passed and at that point of time, the petitioner approached this Court wherein an interim order came to be granted restraining SRA to proceed with the order.

2. As of now, the situation seems to be in favour of the petitioner since the members are supporting the petitioner and want him to be the developer of the Scheme. In the changed

circumstances, according to us, it does not require us to express any opinion on the controversy which arose when the writ petition came to be filed. However, since SRA is seized of the matter with regard to change of developer, the petitioner is required to approach SRA to place on record the changed circumstances to contend that there is no need to change the developer. Once such material is brought on record, SRA can hear and consider the matter and take proper decision.

3. Accordingly the writ petition is disposed of without expressing any opinion on the controversy.

(N.M. JAMDAR, J.)

CHIEF JUSTICE