

Sharayu.

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

WRIT PETITION NO. 397 OF 2017

Maru Seva Sangh

...Petitioner

Versus

**The Municipal Corporation of
Greater Mumbai & Ors.**

...Respondents

Mr. Hemant Ghadigaonkar, for the Petitioner.

Mr. Karl Tamboli, a/w Mr. Aditya Deolekar, H.
Diamondwala, i/by Diamondwala & Co., for the
Respondent No. 4.

Ms. Sheetal Mane, for the Respondent-MCGM.

**CORAM : SMT. VASANTI A NAIK AND
RIYAZ I. CHAGLA, JJ.**

DATE : 14 November 2017

ORDER :

By this writ petition, the petitioner seeks a direction against the respondent Nos. 2 and 3 to issue a work order pertaining to the construction of the toilet blocks near Durgadevi Garden at Maulana Shaukat Ali Road, Mumbai.

According to the petitioner, though the petitioner had made an application for seeking work order for construction of toilet blocks near Durgadevi Garden as per the guidelines framed by the respondents-corporation, the respondent-corporation has wrongly granted the work order in

favour of the respondent No. 4.

Mr. Tamboli, the learned counsel for the respondent No. 4 states that the cause for filing the writ petition is rendered infructuous due to passage of time and subsequent development. It is submitted that a plan was submitted by the respondent No. 4 in April 2016 for construction of toilet blocks was sanctioned by the respondent-corporation and the construction of the toilet blocks is complete as on this date.

Ms. Mane, the learned counsel for the respondent-corporation states that the petitioner had not made an application for construction of toilet blocks at the place where the respondent No. 4 has constructed the same. It is stated that the construction of the toilet blocks is completed and this Court may therefore, dispose of the writ petition as "infructuous".

In the circumstances of the case, we are not inclined to consider the prayers made in the writ petition. It would not be proper to direct the respondent-corporation to grant the work order for construction of blocks at Maulana Shaukat Ali Road near Durgadevi Garden, when the respondent No. 4 has completed the construction of the toilet blocks on the said site.

Since the cause for filing the writ petition is rendered infructuous, we dispose of the writ petition, with no order as to costs.

[RIYAZ I. CHAGLA J.]

[SMT. VASANTI A NAIK, J.]