

DDR

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 1881 OF 2015

Shreepal Jain & Others

.. Petitioners

Vs.

Municipal Corporation of Greater
Mumbai & others

.. Respondents

.....

None for the Petitioners.

Ms. Pallavi Thakar, for Respondent nos. 1 to 5 and 7- M.C.G.M.

.....

CORAM : B.R.GAVAI &

M.S. KARNIK, JJ.

DATED: 16TH AUGUST, 2017

PC. :

When the matter was listed before this Court on 9/8/2017, none appeared for the petitioners, matter was called out twice, as such we have directed that the matter be placed today for dismissal.

2. Today also none appears for the petitioners. From the prayer clause it reveals that the petitioners have sought a direction to the respondent nos. 1 to 5 and 7 not to issue occupation certificate in respect of the new building constructed on the plot mentioned in the prayer clause. The petitioners have

also prayed for a direction to respondent no.10 owner to comply with the statutory obligation of keeping the petitioners' access free of obstruction and maintain three meter compulsory open space all around the building. The respondent-corporation can issue an occupation certificate only after being satisfied that the building constructed has been constructed in accordance with sanctioned plan. It is also statutory duty of the respondent-corporation to ensure that the building constructed has maintained all the margins, as required under MMC Act.

3. We therefore find that the present petition is premature in nature and is therefore dismissed. Needless to state that in the event the petitioners find that either an occupation certificate has been granted in illegal manner or the respondent has not kept the said margins as required in the DCR, the petitioners are at liberty to take steps as permissible in law. The Petition is accordingly disposed of in the aforesaid terms.

(M.S. KARNIK, J.)

(B.R.GAVAI, J.)