

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

WRIT PETITION NO.1053 OF 2004

**Kurla Kamgar Co-operative
Housing Society Limited**

..Petitioner

Versus

Deputy Chief Engineer and others

..Respondents

Mr. Vachan Bodake i/by Chitnis Vaithy & Co., for the Petitioner.

Ms. K. H. Mastakar for the Respondent – BMC.

Mrs. Geeta Shastri, Additional GP for Respondent – State.

**CORAM : R. M. SAVANT &
SMT. SADHANA S. JADHAV, JJ
DATE : 9th JUNE, 2017**

PC.

1 The Learned Counsel appearing on behalf of the Petitioner Mr. Vachan Bodake on instructions states that the construction of the building on the plot in question is complete. The interim order dated 06.07.2004 directs the Petitioner to file an undertaking in respect of the construction that would be put up. The said interim order also directs the Petitioner to deposit a sum of Rs.50,000/-with the Respondent No.3 towards provisional occupancy. The Petitioner was also required to mention in the affidavit that it shall abide by the decision of the Government subject to the right of the Petitioner to challenge the decision of the Government. The said interim order therefore can be said to be a self operative order. Under the said order, the Petitioner is entitled

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to challenge the decision of the Collector by filing proceedings before the authorities in the hierarchy which is provided in the Maharashtra Land Revenue Code, 1966. In view of the fact that the construction is now complete, we do not see any reason to keep the above Petition pending. The Collector would now be entitled to pass a final order in respect of the occupancy charges, in respect of which quantification the Petitioner would have recourse in law. With the aforesaid observations, the Writ Petition is disposed of. Rule discharged, with parties to bear their respective costs.

[SMT. SADHANA S. JADHAV, J]

[R.M.SAVANT, J]