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

WRIT PETITION NO.1801 OF 2014

Mrs. Prabha Ramnath Ajgaonkar ... Petitioner
Vs.
Dr. Dilip Kumar Maganlal Patel and Ors. ... Respondents

None for the Petitioner.

Mr. V.S. Kapse for the Respondent Nos.1 and 2.

Ms. Pallavi Thakar for the Respondent No.3.

Ms. Neesha Mailagir i/by Mr. H.J. Lulia for the Respondent No.5.

**CORAM : A.S. OKA &
SMT. VIBHA KANKANWADI, JJ.**

DATE : 12th JUNE, 2017

PC.

1 None appears for the petitioner. Even in the morning session, none appeared for the petitioner. The learned counsel appearing for the first and second respondents is present. The learned counsel appearing for the third respondent is present and the learned counsel appearing for the fifth respondent is present. Perused the Petition. The only substantive grievance in this Petition is that though the first and second respondents have changed the user of the residential premises in their possession by running a nursing home therein, the third and fourth respondents have not taken any action. The third respondent – Municipal Corporation has filed an affidavit in

reply of Shri Prakash Tatyaji Vichare, Assistant Engineer (Building and Proposal) W.S. - II.

2 In paragraph 10 of the affidavit, it is stated that on 5th October, 2013 regularisation of the change of user from residential to nursing home has been permitted by the Municipal Corporation subject to the fulfillment of certain conditions.

3 Therefore, in view of the action of the Municipal Corporation of granting regularisation of the change of user, no relief can be granted in this Petition under Article 226 of the Constitution of India. Accordingly, the Petition is rejected. However, we make it clear that we have made no adjudication on the legality of action of regularisation of change of user.

(SMT. VIBHA KANKANWADI, J)

(A.S. OKA, J)