

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY.**

**ORDINARY ORIGINAL CIVIL JURISDICTION**

**WRIT PETITION (L) NO. 1578 OF 2017**

|                                     |                 |
|-------------------------------------|-----------------|
| Life Insurance Corporation of India | ... Petitioner  |
| V/s.                                |                 |
| State of Maharashtra & Anr.         | ... Respondents |

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Mr. R.S. Apte, Senior Counsel & Mr. Ajay Khaire, Ms. Roopdaksha Basu  
& Mr. Ranjith Nair i/b Law Point for the Petitioner.  
Mr. K.R. Trivedi , AGP for the Respondent No.1.  
Ms. Pallavi Thakkar for the Respondent No.2.

**CORAM : A.S.OKA &  
SMT. VIBHA KANKANWADI, JJ.  
DATE : 14<sup>th</sup> JUNE, 2017**

**P.C.:**

. Not on board. Taken on Board.

2 Heard the learned Senior Counsel appearing for the Petitioner and the learned Counsel appearing for the second Respondent. The learned AGP represents the first Respondent.

3 Perused the impugned Notices dated 30<sup>th</sup> December, 2015 and 30<sup>th</sup> May, 2017. By the first notice, a request is made to the Petitioner/Life Insurance Corporation of India to handover open portion of its land for improvement/widening of S.V.Road. The second impugned notice records a request by the Mumbai Municipal Corporation to the Petitioner to hand over 5 meters wide strip of land for widening of S.V. Road. The impugned notice itself states that if the

Petitioner does not consent for handing over possession of the land, a notice will be issued in accordance with Section 299 of the Mumbai Municipal Corporation Act, 1888 (for short “the said Act”)

4 Therefore, as of today, there is no adverse action taken by the Mumbai Municipal Corporation against the Petitioner. All that the second impugned notice mentions is that an action will be taken under Section 299 if the Petitioner does not handover possession of the land. Sub-Section 1 of Section 299 contemplates a written notice to be given by the Municipal Corporation of its intention to take over possession of the land within regular line of the street. Sub-Section 1 of Section 299 mandates that the notice in writing shall be at least 7 days' clear notice. Therefore, it is not necessary to entertain this petition.

5 We, accordingly, dispose of the petition. However, we direct the Mumbai Municipal Corporation that before taking possession of the land of the Petitioner, a notice as contemplated by Sub-Section 1 of Section 299 of the Mumbai Municipal Corporation Act, 1888 shall be served to the Petitioner. We make it clear that as and when such notice is served, it will be open to the Petitioner to file an appropriate proceedings for challenging the action under Section 299 of the said Act.

6 All contentions of the parties in that behalf are kept open.

**(SMT. VIBHA KANKANWADI, J.)**

**(A.S.OKA, J.)**