

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

WRIT PETITION NO. 2723 OF 2016

**Laxmi Ashish Industrial Premises
Co-operative Society Limited & Ors.**

... Petitioners

V/s.

Municipal Corporation of Greater Mumbai & Ors. ... Respondents

Ms. Salonee Kulkarni i/b Mr. Amey Gokhale for the Petitioner
Ms. Pallavi Thakar for the Respondent.

**CORAM : A.S.OKA &
SMT. VIBHA KANKANWADI, JJ.
DATE : 14th JULY, 2017**

P.C.:

. By this petition under Article 226 of the Constitution of India, the challenge is to the notices at Exhibits- "A and B". The notices have been issued by the Mumbai Municipal Corporation alleging the change of user. The first notice at Exhibit-"A" to the petition alleges the change of user from Industrial I3-Zone to society office purpose. The second notice at Exhibit-"B" to the petition alleges that the subject premises have been used for shop/office in the names of Shree Laxmi Kirti Co-Operative Housing Society, Shree Laxmi Ashish Co-Operative Housing Society, Shree Laxmi Deep Co-Operative Housing Society, Shree Laxmi Kripa Co-Operative Housing Society and Shree Laxmi Jyot Co-Operative Housing Society. The notice at Exhibit-"B" has been addressed to office bearers of the said societies. The first five Petitioners are said societies to whom notice at Exhibit-"B" has been addressed. The sixth Petitioner is the person to whom notice at Exhibit-"A" has been addressed.

2 There is an affidavit filed by Shri. Samir Hirani on behalf of the Petitioners. In the affidavit, it is stated that the Petitioners were using the premises situated at 29J, Laxmi Industrial Estate for the purpose of their administrative offices. In paragraph 3 there is a categorical statement made that from 31st January 2017, the Petitioners have vacated the said premises. In fact by a letter dated 01st March 2017 was issued by some of the Petitioners to the Designated Officer of the Mumbai Municipal Corporation informing him that the said premises have been vacated.

3 The learned Counsel appearing for the Mumbai Municipal Corporation states that the concerned officer needs time to verify the correctness of the statement.

4 Now, there is a statement on oath on behalf of the Petitioners in the form of the said affidavit of Shri. Samir Hirani. The statement on oath is supported by a letter dated 01st March, 2017 addressed by some of the Petitioners to the Designated Officer which was delivered to the Designated Officer on 02nd March, 2017. We accept the statements made in the affidavit. If the said statements are correct, now there is no occasion to take action on the ground of change of user as the Petitioners are no more in the possession. By accepting the statements made by Shri. Samir Hirani, we dispose of the petition.

5 If the Mumbai Municipal Corporation finds that the statement on oath is incorrect, it can always apply to this Court for recall of this order.

(SMT. VIBHA KANKANWADI, J.)

(A.S.OKA, J.)