

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

WRIT PETITION (L) NO.2283 OF 2017

Irla Co-operative Housing
Society Ltd. and another ... Petitioners.

Versus

State of Maharashtra
and others ... Respondents.

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Mr. Suyash Gadre a/w Mr. Chetan M. Latre i/b. Utangale & Co. for
the Petitioner.

Mr. Sukanta Karmarkar, AGP for Respondent No.1-State.

Ms. Pallavi Thakar, for MCGM.

Mr. B.K. Gala for Respondent No.5.

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***CORAM : Smt.Vasanti A Naik &
Riyaz Iqbal Chagla, JJ.***

DATE : 5th October, 2017.

P.C. :

By this Writ Petition, the petitioner-Irla Co-operative Housing Society and some of its members have challenged the warrant of attachment, dated 17.03.2015. The petitioners have sought a direction against the respondents to decide the representations of the petitioners for separate assessment. The petitioners have also sought a direction against the respondents to de-seal the petitioners property. Certain other ancillary prayers are also made.

The learned Counsel for the Corporation states that the petitioner is vexing the Court in respect of the same cause, time and again. It is submitted that Irla Co-operative Housing Society had filed Writ Petition No.3593/2015 and this Court had dismissed the

Writ Petition after holding that it would not be possible to grant the relief, as claimed by the petitioner in the writ jurisdiction. It is stated that the Court had permitted the petitioner to approach the Assessor and Collector of the Municipal Corporation with a proposal to pay the amount due, in installments. It is stated that the representations made by the petitioners in pursuance of the said order are decided by the order dated 25.06.2015. It is stated that without challenging the said order, the petitioners have again sought a direction against the respondents to decide the representations.

In view of our order dated 28.04.2015, in Writ Petition No.3593/2015 filed by the petitioner-Irla Co-operative Housing Society, it would not be proper to again entertain the Writ Petition with similar prayers. If the proposal of the petitioners is rejected, the petitioners cannot again approach this Court with a challenge to the attachment order and for a direction against the Corporation to decide the representations, when the representations are already decided.

In the result, we dismiss the Writ Petition with no order as to costs.

(Riyaz I. Chagla J)

(Smt.Vasanti A Naik, J)