

ssp

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO.606 OF 2015

Dr.Mugatlal B. Shah & Anr.	...Petitioners
vs.	
Municipal Corporation of Greater Mumbai & Anr.	...Respondents

**ALONG WITH
WRIT PETITION NO.614 OF 2015**

Mittal D. Shah & Others	...Petitioners
vs.	
Municipal Corporation of Greater Mumbai & Anr.	...Respondents

**ALONG WITH
WRIT PETITION NO.641 OF 2015**

Samir N. Shah & Anr.	...Petitioners
vs.	
Municipal Corporation of Greater Mumbai & Anr.	...Respondents

Mr.S.C.Naidu i/b C.R.Naidu & Co. for the Petitioners
Ms Kejali Mastakar for the respondent-MMC

CORAM : A.S.OKA, &
SMT.VIBHA KANKANWADI,JJ.
DATE : JULY 6, 2017

P.C.:

1 In these three petitions, there are three notices which are subject matter of challenge. The first notice is about the occupation of the premises without obtaining the Occupation Certificate in

accordance with section 343-A of the Mumbai Municipal Corporation Act, 1888. The second notice is under section 53 (1) of the Maharashtra Regional and Town Planning Act, 1966 (for short 'MRTP Act') regarding unauthorized amalgamation of flats and unauthorized additions and alterations. The third notice is based on the aforesaid two notices for taking action under section 488 of the Mumbai Municipal Corporation Act, 1888. Additional affidavits have been filed by the petitioners in all the three petitions.

2 The learned counsel for the Mumbai Municipal Corporation on instructions of Shri Pankaj Shukla, AE (BPF), F/W Ward, Designated Officer-III that the illegalities which are subject matter of the first two notices in all the three petitions have been cured as amended plans have been sanctioned and the Occupation Certificate has been issued. She, however, states that criminal law is set in motion by the Mumbai Municipal Corporation on the basis of the three notices. The learned counsel for the petitioners states that the petitioners are not aware of the action of the Mumbai Municipal Corporation of setting the criminal law in motion.

3 Suffice it to say that in view of subsequent sanction of amended plans and grant of Occupation Certificate, action of demolition or action of removal of the petitioners from the premises cannot be taken by the Mumbai Municipal Corporation. Hence, we need not keep the petitions pending and

the same are disposed of.

4 We make it clear that we have made no adjudication on the issue of the legality of the action of setting of criminal law in motion by the Mumbai Municipal Corporation. If the petitioners receive notice of any criminal proceedings, it will be open for them to take appropriate proceedings in that behalf. All contentions on merits are kept open.

(VIBHA KANKANWADI,J.)

(A.S.OKA,J.)