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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO.2389 OF 2016

Komal Developers ...Petitioner
vs.
Municipal Corporation of
Greater Mumbai & others ...Respondents

Ms Yasmin Tavarria for the Petitioner
Ms Geeta Joglekar for the respondent Nos.1 to 3.

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

P.C.:

1 Heard the learned counsel for the petitioner.
The only substantive prayer in this petition under
Article 226 of the Constitution of India is prayer
clause (a).

2 Approval to the amended plans submitted by the
Architect of the petitioner was granted by order
dated 6th April 2016 (Exhibit-D to the petition).
The learned counsel for the petitioner states that
no such condition which is reproduced in prayer
clause (a) has been incorporated in the order dated
6th April 2016. According to him, no such condition
has been incorporated in the sanctioned plan issued
along with the order dated 6th April 2016.

3 As the submission of the petitioner is that
while issuing the I.O.D and C.C., the respondent

No.1 has not imposed any such condition, there was no reason for the petitioner to challenge the same.

4 Therefore, this petition is mis-conceived, and accordingly, we decline to entertain the same. If in future, any such condition is really imposed, it will be open for the petitioner to file a fresh petition for challenging the same.

(VIBHA KANKANWADI,J.)

(A.S.OKA,J.)