

pmw

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

WRIT PETITION NO.225 OF 2015

Roha Orion Business Premises Co-operative
Society Limited and Ors.

... Petitioners

Vs.

Municipal Corporation of Greater Mumbai and Ors.

... Respondents

Mr. Mayur Khandeparkar a/w Mr. Varun Shah i/by T.N. Tripathi & Co.
for the Petitioners.

Mr. Amit Shastri, AGP for the Respondent – State.

Ms. Vandana Mahadik for the Respondent No.1 – BMC.

**CORAM : A.S. OKA &
SMT. VIBHA KANKANWADI, JJ.**

DATE : 20th JUNE, 2017

PC.

1 Today, an additional affidavit is tendered for relying upon the notification dated 16th November, 2016 by which the Development Control Regulations for the City of Mumbai have been modified. By the impugned order, an application made by the petitioners for grant of development permission has been rejected. The remedy of the petitioners is to challenge the said order in accordance with law by preferring an Appeal under Section 47 of the Maharashtra Regional and Town Planning Act, 1966. The Petitioners can always rely upon the modified regulations in the Appeal which may be preferred under Section 47.

2 In view of availability of the efficacious remedy, we decline to entertain this Petition under Article 226 of the Constitution of India. Accordingly, Writ Petition is disposed of. The remedy of the petitioners to prefer an Appeal is kept open. If such an Appeal is preferred within a period of one month from today, the Appellate Authority is bound to note that the present Writ Petition was filed on 19th November, 2014 which remained pending till today. All contentions on merits are kept open.

(SMT. VIBHA KANKANWADI, J)

(A.S. OKA, J)