

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

WRIT PETITION NO.544 OF 2017

Bathia Family Trust	...	Petitioner
Vs.		
The Municipal Corporation for Greater Bombay & Ors.	...	Respondents

Mr. Girish Godbole, Senior Counsel, i/by Ms. Shruti Tulpule, for the Petitioner.

Ms. Kejali Mastakar for the Respondent-Municipal Corporation.

CORAM : NARESH H. PATIL &
DR. SHALINI PHANSALKAR-JOSHI, J.J.

DATE : 3RD APRIL 2017.

P.C. :

1. Heard Mr. Godbole, learned Senior Counsel for the Petitioner, and Ms. Mastakar, learned counsel for the Respondent-Municipal Corporation.

2. The Petitioner claims to be the owner of the subject land, on which the Petitioner has constructed the building and the same is being occupied by the members of Respondent No.4-Society. The Petitioner's grievance is that, on the terrace of the said building, a Mobile Company has erected tower, without seeking necessary

permission and sanction. Petitioner had made a representation to the Respondent-Municipal Corporation. By a communication dated 7th May 2016, the Deputy Chief Engineer (B.P.), Special Cell, of Respondent-Municipal Corporation, had replied to the Advocate for the Petitioner. Thereafter, the Petitioner submitted the representation dated 13th June 2016 requesting the Respondent-Municipal Corporation to take necessary action, but, so far, no action has been taken.

3. Without expressing any opinion, we observe that, in case the Respondent-Municipal Corporation has received any representation from the Petitioner, the same be looked into. The Respondent-Municipal Corporation may hear all the necessary parties and respondents to this Petition and, thereafter, take appropriate decision on its own merits within a period of six weeks from the date of receipt of a copy of this order.

4. Learned counsel for the Respondent-Municipal Corporation to communicate this order to the Municipal Authorities.

5. Petition is disposed of.

6. Parties to act on the authenticated copy of this order.

[DR. SHALINI PHANSALKAR-JOSHI, J.] [NARESH H. PATIL, J.]