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

WRIT PETITION NO.374 OF 2016

Manhar Bhikkubhai Desai

... Petitioner

Vs.

The Municipal Commissioner,

Municipal Corporation of Greater Mumbai and Ors.

... Respondents

Mr. R.N. Bhagattjee for the Petitioner.

Ms. Pallavi Thakar for the Respondent – BMC.

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

DATE : 12th JUNE, 2017

PC.

1 Heard the learned counsel appearing for the petitioner. The only substantive prayer in this Petition is for challenging the demand made by a Co-operative Housing Society which is at Exhibit – O to the Petition. The said society is not “State” within the meaning of Article 12 of the Constitution of India.

2 The learned counsel appearing for the petitioner submits that the demand is based on demand made by the Municipal Corporation.

3 If the petitioner has locus, the petitioner can always adopt appropriate proceedings for challenging the demand raised by the Municipal Corporation. Subject to what is observed above, the Petition is rejected. We also make it clear that remedy of the petitioner against the society is kept open. All contentions on merits are kept open.

(SMT. VIBHA KANKANWADI, J)

(A.S. OKA, J)