

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5427 OF 2018

Sonak Engineering Pvt Ltd.	...	Petitioner.
V/s.		
The Navi Mumbai Municipal Corporation and others.	...	Respondents.

Mr.E.A.Sasi for the petitioner.
Mrs.R.A.Salunkhe, AGP for respondent No.5.

CORAM : A.S.OKA AND RIYAZ I. CHAGLA, JJ.

DATE : 6th June 2018.

P.C.:

Not on board. Taken up on board.

2. When the papers of this petition were produced before the Court on 2nd and 3rd May 2018, it was not brought to the notice of the Court that for challenging the demand which is the subject matter of challenge in this petition under Article 226 of the Constitution of India, the petitioner has already taken a recourse to the statutory remedy of appeal under sub-section (6) of section 406 of the Maharashtra Municipal Corporations Act, 1949 (for short “the said Act of 1949”) and that the appeals have not been entertained in view of non-compliance of sub-section (8) of section 406. Now when the petitioner has availed of an efficacious remedy provided under the statute, this is not a fit case where

a Writ Court by exercising jurisdiction under Article 226 of the Constitution of India should interfere.

3. Accordingly, we decline to interfere in writ jurisdiction. The petition is disposed of. All contentions on merits are kept open which will be decided by the Appellate Authority provided the petitioner complies with the provisions of sub-section (8) of section 406 of the said Act of 1949.

(RIYAZ I. CHAGLA, J.)

(A.S.OKA, J.)