

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO.1126 OF 2018

Mr.H.V.KumarSwami for the Petitioner
Mr.Birendra Saraf a/w P. Dubash, Kalpesh Mehta,
Vasim Shaikh i/b M/s.Pravin Mehta and Mithi Co. for
the applicant in Chamber Summons
Mr.G.W.Mattos, AGP for the respondent-State
Ms Vandana Mahadik for MMC
Mr.Niranjan Mogrre for applicant in Notice of
Motion.

P.C.:

1 Heard the learned counsel appearing for the petitioner. The basic challenge is to the note prepared by the Joint Law Officer of the Mumbai Municipal Corporation on 6th June 2014. We have perused the said note. The Joint Law Officer has recorded his opinion on the subject referred to him. At highest, it can be stated that certain recommendations have been made by the Law Officer based on his opinion. We cannot entertain a writ petition under Article 226 of the Constitution of India wherein there is a challenge only to the opinion or recommendation of the Joint Law Officer of the Mumbai Municipal Corporation. The Mumbai Municipal Corporation is not bound by such opinion

or recommendation of the Law Officer. If any action has been taken on the basis of the opinion of the Joint Law Officer which affects the petitioner, he can always file appropriate proceedings in accordance with law for challenging the said action.

2 Subject to what is observed above, writ petition is rejected. Pending Notice of Motion and Chamber Summons do not survive and the same are disposed of.

(RIYAZ.I.CHAGLA,J.)

(A.S.OKA,J.)