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

WRIT PETITION (L) NO. 580 OF 2018

Yashavarma Shetty ... Petitioner
Versus
Municipal Corporation of Greater Mumbai & ... Respondents
Ors.

Mr. Omprakash Singh, for Petitioner.
Ms. Pallavi Thakar for Respondents.

**CORAM: A.S. OKA AND
RIYAZ I. CHAGLA, JJ.**
DATED: 19TH MARCH 2018.

PC:-

1. Heard the learned counsel appearing for the Petitioner. We have perused the documents at Exhibits "A" and "D". The documents show that the allottee of the premises is one Smt. Sumalini Jain. We have perused the averments made in the Petition. In paragraph 4, it is stated that the said original allottee is the sister of the Petitioner who transferred the premises to the Petitioner by executing an Affidavit.

2. Apart from fact that there cannot be a valid transfer of immovable property by executing an Affidavit, in any case, the alleged transfer has taken place without permission of the Municipal Corporation. The learned counsel appearing for the

Petitioner states that now Petitioner will apply for regularising the transfer.

3. Even going by the stand taken by the Petitioner, the transaction of transfer on which the Petitioner is relying upon is illegal.

4. Hence, no case is made out to interfere in Writ jurisdiction under Article 226 of the Constitution of India at the instance of the Petitioner. The Petition is accordingly rejected.

(RIYAZ I. CHAGLA J.)

(A.S. OKA, J)