

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

PUBLIC INTEREST LITIGATION NO. 37 OF 2017

Capt. Haresh Gaglani (retd.) ...Petitioner

Versus

Brihanmumbai Municipal Corporation & Ors ...Respondents

Mr.Prashant Patil i/b. Mr.Naushad Ahmed, Sujata Rajguru, for the
Petitioner.

Ms.Dhruti Kapadia, for Respondent Nos.1 and 2-MCGM.

CORAM: *NARESH H.PATIL AND
 G.S.KULKARNI, JJ*

DATED: *19th June, 2018*

P.C.:

1. The learned Counsel for the petitioner and the learned Counsel for the Corporation submit that according to the report submitted by the Corporation, the Corporation is in possession of twelve plots of garden area.

2. The Counsel appearing for the petitioner submits that the plots were allotted to the concerned organizations on payment of Rs.1/- per year. They have earned sufficient revenue by enjoying possession of these properties which require to be recovered from the Corporation. It also

needs to be enquired as to why possession was not taken earlier.

3. The issue now raised requires investigation, enquiries in the question of facts. The Corporation is at liberty to look into these aspects and take appropriate decision. The possession of garden plots has now been handed over to the Corporation.

4. With this observation, the public interest litigation stands disposed of.

(G.S.KULKARNI, J.)

(NARESH H. PATIL, J.)