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IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
ORDINARY ORIGINAL CIVIL JURISDICTION  
WRIT PETITION NO.2875 OF 2016

|                                                              |                |
|--------------------------------------------------------------|----------------|
| New Sarnath Co-operative<br>Housing Society Ltd.and Anr.     | ...Petitioners |
| vs.<br>Municipal Corporation of<br>Greater Mumbai and others | ...Respondents |

Mr.Ryan Menezes and Ms Ekta Pandav i/b Jhangiani  
Narula & Associates for the Petitioners  
Mr.Yashadeep Deshmukh for the respondent-MMC  
Mr.Kevin Setalwad,Senior Counsel a/w Devashish  
Tiwari i/b Converse Law for respondent No.5  
Mr.S.U.Kamdar, Senior Counsel a/w Mr.Chirag Kamdar  
and Mr.Suraj Juneja i/b Wadia Ghandy & Co. for  
respondent No.6

CORAM : A.S.OKA, &  
P.N.DESHMUKH,JJ.  
DATE : JANUARY 5, 2018

P.C.:

1 Prayer clause (a) which is the only  
substantive prayer in this petition reads thus:

“(a) that this Hon'ble Court be pleased to  
issue a writ of mandamus any other writ,  
order or direction in the nature of mandamus  
directing Respondent Nos.1 to 4 not to  
process and sanction the Application filed by  
Respondent No.5 for Occupation Certificate to  
a building called J.K.House on the subject  
property without granting hearing to the  
Petition and without considering Petitioner's  
representation.”

2 On the last date, an affidavit was filed by the respondent No.5 of one Zameer Nathani, Director Legal of the respondent No.5 to which a copy of the Occupation Certificate dated 11<sup>th</sup> July 2016 has been annexed. In view of grant of Occupation Certificate, the above prayer does not survive.

3 The learned counsel for the petitioners tenders a draft amendment which is taken on record and marked 'X' for identification. If the petitioners have any other cause of action, they can always file a separate petition or proceedings in that behalf. The petitioners can always agitate their grievances about grant of Occupation Certificate dated 11<sup>th</sup> July 2016 in appropriate fresh proceedings.

4 Subject to what is observed above, we decline to entertain this petition and the same is disposed of.

5 All contentions of the parties are kept open.

(P.N.DESHMUKH,J.)

(A.S.OKA,J.)