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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 2938 OF 2018

Gokul Harmony CHSL

.. Petitioner

Vs.

1. Municipal Corporation of Gr. Mumbai and anr.

.. Respondents

Mr. Mohammed Zain Khan for petitioner.

Ms. Rupali Adhate for MCGM.

CORAM: NARESH H. PATIL, ACTING CJ. &
G. S. KULKARNI, J.

OCTOBER 16, 2018.

P.C.

1. The petitioner's regularization application was pending during which period petitioner filed present petition and prayed for following substantive relief :-

(a) That this Hon'ble Court be pleased to issue a writ in the nature of Prohibition or any other writ or direction in the nature of Prohibition against the Respondent No.1 thereby directing it not to take any coercive action against the Petitioner or the Building Gokul Harmony as contemplated by the Respondent No.1 under the said notices dated 22nd March 2018 and 9th May 2018 or any other manner till such time the regularization of the Building Gokul Harmony is completed.

2. The learned counsel for the Corporation tendered affidavit-in-reply of Mr. Anil N. Anap, Assistant Engineer (Building & Factory) (I/c) H/East Ward on behalf of the Corporation, which is taken on record. The deponent has made a statement that regularization application proposals filed by the petitioner on 7/8/2018 and 5/9/2018 were filed without complying mandatory documents required for the said proposal and, therefore, both the proposals were rejected on 10/8/2018 and 6/9/2018. There is an alternate efficacious remedy against the said order, rejecting the regularization proposals.

3. The learned counsel appearing for the petitioner prays for status quo as on today for a period of four weeks to enable the petitioner to resort to alternate remedy as available in law.

4. We direct the parties to maintain status quo as on today for a period of three weeks from today in respect of the subject structure / building to enable the petitioner to resort to an appropriate alternate remedy as available in law.

5. Needless to observe, if the petitioner does not resort to an alternate remedy within the period as directed and seek appropriate orders in such proceedings, the Corporation shall be free to take action as per law.
6. Writ Petition is disposed of accordingly in the above terms.

G. S. KULKARNI J.

ACTING CHIEF JUSTICE