

Sharayu Khot.

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

WRIT PETITION NO. 873 OF 2017

M/s. Qamar Developers

...Petitioner

Versus

**The Brihan Mumbai Municipal
Corporation & Ors.**

...Respondents

Mr. A.I. Patel, i/by Mr. Imtiyaz A.I. Patel, for the Petitioner.

Ms. Shital Mane, for the Respondent-BMC.

**CORAM : ABHAY S. OKA AND
RIYAZ I. CHAGLA, JJ.**

DATE : 5 June 2018

ORDER :

1. Heard the learned Counsel for the Petitioner and the learned Counsel appearing for the Respondents. The challenge

in this Petition under Article 226 of the Constitution of India is to the decision at *Exh.L* and the communication at *Exh.M* and the notice dated 16 August 2016 under Section 354 A of the Mumbai Municipal Corporation Act, 1888. The Petitioner had applied for regularization of the illegal construction carried out which is the subject matter of the notice dated 16 August 2016. The Petitioner has disputed the amount claimed by the Municipal Corporation as a condition precedent for considering the application for regularization. On 18 March 2017, the Municipal Corporation had called upon the Petitioner's Architect to pay the amount mentioned therein.

2. The learned Counsel appearing for the Respondents on instruction states that the entire amount demanded was paid by the Petitioner and the complete commencement certificate has already been issued to the Petitioner.

3. The learned Counsel appearing for the Petitioner on instructions states that the Petitioner is not disputing the

correctness of the quantum of the amount demanded and paid to the Municipal Corporation.

4. In view of the aforesaid subsequent events, the challenge to the orders and communication at *Exh.L* and *Exh.M* respectively does not survive. In view of the grant of complete commencement certificate, the notice dated 16 August 2016 which is impugned in this Petition cannot be implemented now.

5. Subject to what is observed and by accepting the aforesaid statements, the Petition is disposed of.

[RIYAZ I. CHAGLA J.]

[ABHAY S. OKA, J.]