

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO.368 OF 2018**

Mohamed Rafique Mohammed Nazir Shaikhk & Anr. ..Petitioners.

v.

The Municipal Corporation of Greater Mumbai
& others ..Respondents.

Mr.S.C. Naidu i/by Mr. Shoaib Menon, for the petitioner.
Mr.Farid Karachiwala alongwith Sneh Mehta i/by Wadia Ghandy &
Company for the respondent No.5.
Ms.Shilpa Kapil for the respondent No.3.
Mrs.Vandana Mahadik, for the MMC.

**CORAM : A.S. OKA &
RIYAZ I. CHAGLA, JJ.**

DATE : 12th MARCH, 2018

PC.

. Not on board taken on board.

1 Heard the learned Counsel appearing for the petitioners. The petition is based on the apprehension that the action of revocation of approval granted to regularization of the work may be taken by the Municipal Corporation without the notice to the petitioners. This apprehension is based on the internal note dated 21st June 2017 (Exhibit VV). The prayer is for quashing the said note.

2 We have perused the said note. All that the note records is that the sanction of the Municipal Commissioner is sought for revoking approval granted by his Predecessor for regularization of the work carried out beyond C.C.

3 This is only an internal note prepared for seeking sanction of the Municipal Commissioner. In writ jurisdiction under Section 226 of the Constitution of India, we cannot interfere with this internal note seeking sanction of the Municipal Commissioner.

4 If at all the Municipal Corporation decides to cancel or revoke the approval for regularization, it is obvious that the Municipal Corporation will have to give an opportunity of being heard to all the parties who will be affected by the revocation. The only substantive prayer in this petition is a challenge to the said note at Exhibit VV. Subject to what is observed above, no interference is made out. Petition is disposed off.

(RIYAZ .I.CHAGLA, J)

(A.S. OKA, J)