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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION (L)NO.3646 OF 2017,

Firoz Abdul Sattar Dhorajiwala ...Petitioner
vs.
Municipal Corporation of
Greater Mumbai & Ors. ...Respondents

ALONG WITH
WRIT PETITION (L)NO.3647 OF 2017

M/s. Om Trading ...Petitioner
vs.
Municipal Corporation of
Greater Mumbai & Ors. ...Respondents

ALONG WITH
WRIT PETITION (L)NO.3648 OF 2017,

M/s.Asian Fisharies ...Petitioner
vs.
Municipal Corporation of
Greater Mumbai & Ors. ...Respondents

ALONG WITH
WRIT PETITION (L)NO.3649 OF 2017,

M/s.Haji Yusuf & Sons ...Petitioner
vs.
Municipal Corporation of
Greater Mumbai & Ors. ...Respondents

ALONG WITH
WRIT PETITION (L)NO.3650 OF 2017,

Ahmed J. Bakali ...Petitioner
vs.
Municipal Corporation of
Greater Mumbai & Ors. ...Respondents

Mr.A.S.Singh for the Petitioner in all petitions
Mr.D.A.Dubey and Ms Shital Mane for the respondent-
MMC in all petitions

Mr.Suresh G. Tambde, Administrative Officer
(Estate), F/South Ward is present.

CORAM : A.S.OKA, &
P.N.DESHMUKH,JJ.
DATE : JANUARY 23, 2018

P.C.:

1 Heard the learned counsel appearing for the petitioners and the learned counsel for the Mumbai Municipal Corporation. Identical affidavits-in-reply have been filed in these petitions by the Mumbai Municipal Corporation. The petitioners in these petitions under Article 226 of the Constitution of India have made a grievance that notwithstanding the applications made by the petitioners for transfer of tenancy/attornment of tenancy in respect of Premises on VLT Plots, the Mumbai Municipal Corporation has kept the applications pending without taking any action thereon. The contention is that at several stages, various documents were produced by the petitioners and notwithstanding the reminders issued, the Mumbai Municipal Corporation has not taken any action.

2 The learned counsel for the petitioners states that only after filing of these petitions and after this Court fixed these petitions today, on 20th January 2018 the petitioners were called to the concerned office of the Mumbai Municipal Corporation and were given letters calling upon the petitioners to submit certain documents. He has tendered across the bar the copies of the letters dated 22nd January

2018 addressed by the petitioners. The learned counsel for the petitioners have supplied photo copies of the said letters dated 22nd January 2018 to the Advocate for the Mumbai Municipal Corporation.

3 The learned counsel for the petitioners submitted that almost all the documents were supplied by the petitioners earlier and additional documents were supplied by the petitioners on 22nd January 2018. The Petitioners have rightly made a grievance that the Mumbai Municipal Corporation ought to have provided with the requirements which are set out on page 34 of the affidavit in reply in Writ Petition (L) No.3646 of 2017 so that the petitioners would have made necessary compliance.

4 The learned counsel for the Mumbai Municipal Corporation relies upon the affidavits tendered today. Reliance is placed on the circular dated 2nd November 2016 which deals with the procedure for dealing with the transfer of tenancies. The said circular prescribes a format a copy of which is its annexure. It sets out the details of the documents which are required to be filed. A flow chart is also a part of the annexure to the said circular. The flow chart stipulates a time bound programme for disposal of the applications regarding transfer of tenancy or attornment in respect of the VLT plots.

5 The learned counsel for the Mumbai Municipal Corporation on instructions submits that if the documents as specified in the prescribed format are

submitted by the petitioners, the applications made by the petitioners will be immediately considered by the Mumbai Municipal Corporation.

6 We have perused the affidavit-in-rreply. The circular dated 2nd November 2016 prescribes a format. In our view, the Municipal Officers ought to have informed the petitioners about the said circular and provided a copy of the prescribed format to the petitioners to enable them to take appropriate step. There are large number of applications made by the petitioners from time to time to the Mumbai Municipal Corporation. However, there was no response from the Mumbai Municipal Corporation.

7 It is obvious that in the present case the Mumbai Municipal Corporation cannot insist upon the petitioners filing applications in the prescribed format. However, the petitioners will have to submit relevant documents. Out of the 7 documents shown in the prescribed format, it is not necessary in each case to submit all the documents. For example, if the applicant is claiming transfer of attornment on the basis of the no objection or documents executed by the original lessee, he need not furnish the documents which are set out in the item no.4.

8 The learned counsel for the petitioners states that all relevant documents have been already submitted by the petitioners and certain other documents are submitted on 22nd January 2018.

9 As per the flow chart, intimation/letter of the approval or otherwise granted will have to be issued within a period of 24 days from 22nd January 2018.

10 Hence, we dispose of the petitions by passing the following order:

(I) We accept the statement made by the learned counsel for the petitioners that all relevant documents as per the requirements specified by the prescribed format have been submitted by the petitioners;

(II) In view of the aforesaid statement, without insisting on the petitioners making an application in prescribed format, the concerned Officer of the Mumbai Municipal Corporation shall decide the applications made by the petitioners as expeditiously as possible and intimate the decision to the petitioners within a period of 24 days from 22nd January 2018;

(III) If transfer is granted, further steps up to and inclusive of registration of mutation entry shall be taken within a period of 13 days from the date of the intimation issued as above;

(IV) If similar applications for transfer/attornment are pending, we direct the Mumbai Municipal Corporation to forthwith supply a copy of circular dated 2nd November 2016 along with annexures thereto to the concerned applicants so that the applicants need not approach this Court;

(V) We make it clear that we have made no

adjudication on the issue of entitlement of the petitioners to grant of attornment or transfer of tenancy;

(VI) writ petitions are disposed of.

(P.N.DESHMUKH,J.)

(A.S.OKA,J.)