

nsc.

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

WRIT PETITION (LODGING) NO.3944 OF 2018

Rajender Singh Sethi s/o. Harnam Singh Sethi and Ors. ...Petitioners

Versus

Municipal Corporation of Greater Mumbai and Ors. ...Respondents

Mr.Omprakash Pandey, i/b M/s.Pandey and Co., for the Petitioners.

Mr.A.B.Kadam a/w Ms.Rupali Adhate, for the Respondent – M.C.G.M.

***CORAM : RANJIT MORE &
REVATI MOHITE DERE, JJ.***

DATE : 19th DECEMBER, 2018

P.C. :

1. Mr. Pandey, learned counsel for the Petitioners, at the outset, having taken instructions from his clients, states that so far as notices under Section 351 of Mumbai Municipal Corporation Act, 1888, are concerned, he has already approached the Civil Court and so far as this Petition is concerned, the same is restricted to the relief regarding de-sealing the subject premises. He, further submits that the Petitioners will not use the subject premises as a Guest House, without obtaining proper permission

from the Corporation/Competent Authority. Statement accepted.

2. In the light of the above, we find no justification for the Corporation to seal the premises in question.

3. The Corporation is accordingly directed to de-seal the aforesaid premises, within a period of one week from the date of receipt of this order.

4. It is made clear that so far as action under Section 351 of Mumbai Municipal Corporation Act, 1888, is concerned, we have not applied our mind and the Petitioners are at liberty to take further action in the event there is no order from the appropriate Court.

5. Subject to the above, the Petition is accordingly disposed of.

REVATI MOHITE DERE, J.

RANJIT MORE, J.