

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

WRIT PETITION NO. 496 OF 2015

Ratna Shridhar More } Petitioner
versus
State of Maharashtra and Ors. } Respondents

Ms.Aneeta Vasani I/b. Mr.Omprakash
Pandey for the petitioner.

Mr.L.T.Satelkar-AGP for respondent no.1.

Ms.Rupali Adhate for respondent nos. 2 to
5 (MCGM).

Mr.Sudhir Shrikant Joglekar-son of
Mr.Shrikant V. Joglekar present.

CORAM :- S. C. DHARMADHIKARI &
G. S. PATEL, JJ.

DATED :- JUNE 25, 2019

P.C. :-

1. On instructions, it is stated by Ms.Adhate that the Municipal Corporation of Greater Mumbai, through the concerned Ward Officer/Assistant Municipal Commissioner, K/East Ward has, together with the Assistant Engineer, Building and Factory, K/East Ward, set the law in motion. A notice under section 351 of the Mumbai Municipal Corporation Act, 1888 has been issued on 22nd June, 2019. It has been issued to a person, namely, Shrikant V. Joglekar. However, it is stated today that the son of Shrikant V.

Joglekar is present in court. He says that the construction that is being referred to in the whole petition as also the subject notice of 22nd June, 2019 is attributed to him. That is not a construction activity, but a repair carried out to an existing construction.

2. We do not think that in writ jurisdiction we can determine whether this act attributed to a private party amounts to carrying out construction in the garb of repairs or otherwise. In the event the private party has all documents to support the assertion that what in effect was a repair permission and the repairs have been carried out in pursuance of this permission, then, that aspect can be gone into by the concerned municipal authorities. Let that be decided as expeditiously as possible and in any event, by 31st July, 2019.

3. Let the documents concerning this activity attributed to the private party be placed for consideration of the municipal official within a period of two weeks from today.

4. The writ petition is disposed of by clarifying that we have not examined the rival contentions or the merits thereof. All of them are kept open.

(G.S.PATEL, J.)

(S.C.DHARMADHIKARI, J.)