

Yatin Gordhandas Dossa ... Petitioner

**The Municipal Corporation of
Greater Mumbai and Anr. ... Respondents**

Ms.Rupali Adhate for Respondents
-MCGM.

**CORAM :- S. C. DHARMADHIKARI &
M.S.KARNIK, JJ.**

DATE :- MAY 02, 2019

P.C. :-

1. Having perused the writ petition and the annexures thereto, particularly the impugned notice, we do not find that the response given by the petitioner thereto can be said to be acceptable or a justifiable cause.

2. It is very clear from the impugned notice and the speaking order that the Municipal Corporation has issued notice on the basis that the permission for carrying out the construction by utilising the FSI over and above the permissible limits, has never been produced. Once that was not produced and there is no

document which evidences that the construction in an open space is otherwise permissible, then, we do not think that the finding of fact suffers from any error of law apparent on the face of the record or perversity warranting our interference in writ jurisdiction. The writ petition cannot be said to be an appeal. It is, therefore, dismissed. There will be no order as to costs.

(M.S.KARNIK, J.)

(S.C.DHARMADHIKARI, J.)