

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

WRIT PETITION NO.843 OF 2019

**Mahendra Brothers Exports Pvt. Ltd.
and Ors.**

... **Petitioners**

Vs

**The Municipal Corporation of Greater
Mumbai and Ors.**

... **Respondents**

Mr.Prateek Seksaria a/w Mr.Amogh
Singh, Mr.Bharatkumar Jain, Ms.Mrunal
Surana I/b M/S Hariani and Co. for the
Petitioners.

Mr.Viral Vora a/w Ms.Anulata Saudankar
and Ms.Megha Vyas for Respondent No.3.

Mr.Bhavek Manek a/w Ms.Rupali Adhate
for Respondent-MCGM.

Mr.Sanjay Beldar, Superintendent H/E
Ward-Assessment and Collection
Department present.

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

DATE :- MAY 02, 2019

P.C. :-

1. After this writ petition was argued for some time and we were disinclined to grant any relief in writ jurisdiction, Mr.Prateek Seksaria, on instructions, seeks leave to withdraw the writ petition. He seeks leave to withdraw the writ petition with liberty to approach the Municipal Corporation and particularly, the Municipal Commissioner so that the Municipal Commissioner

can be requested to exercise his discretionary powers with regard to the liability for property taxes.

2. Mr.Seksaria submits that the Municipal Corporation would be approached so as to seek an relief in terms of the legal provisions highlighted and particularly, the provisions which enable the Municipal Commissioner to collect property taxes in the event, the developer/owner is not co-operating allegedly by apportioning the liability as between the developer/owner and the occupants like the petitioners.

3. We do not say anything about such power of the Municipal Corporation/Municipal Commissioner, but allow the writ petition to be withdrawn with liberty to approach the Municipal Corporation. Granting of such liberty does not mandate the Municipal Corporation or the Commissioner to exercise any discretionary powers under the Act. The request of the petitioners, if made, be considered strictly on its own merits and in accordance with law.

4. The writ petition is disposed of as withdrawn with liberty as above.

(M.S.KARNIK, J.)

(S.C.DHARMADHIKARI, J.)