

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

WRIT PETITION (L) NO. 1634 OF 2019

Pramod Preetam Vaijal	}	Petitioner
versus		
Municipal Corporation of	}	
Greater Mumbai and Ors.	}	Respondents

WITH
WRIT PETITION (L) NO. 1635 OF 2019

Pratibha Pritam Vaijal	}	Petitioner
versus		
Municipal Corporation of	}	
Greater Mumbai and Ors.	}	Respondents

WITH
WRIT PETITION (L) NO. 1636 OF 2019

Rajkumar Deepnarayan	}	
Yadav	}	Petitioner
versus		
Municipal Corporation of	}	
Greater Mumbai and Ors.	}	Respondents

Mr.Ansari Asggar Kalim for the
petitioners.

Mr.Anoop Patil with Ms.Rupali Adhate for
the Municipal Corporation.

Ms.Uma Palsuledesai-AGP for State in
WPL/1634 and 1635/2019.

Mr.R.J.Mane-AGP for State in
WPL/1636/2019.

Mr.Avinash Vishwasrao-Assistant
Engineer (Building Proposals) K/West
Ward present.

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

DATED :- JUNE 25, 2019

P.C. :-

1. In all these petitions, the petitioners have not been able to produce any proof of the existence of the structures prior to the datum line. In the cases, as are brought before this court, the parties like the petitioners are aware that if they are relying upon the authorisation in relation to the structures or construction covered by a notice under section 351 of the Mumbai Municipal Corporation Act, 1888 or section 53 of the Maharashtra Regional and Town Planning Act, 1966, they must prove that the structure was assessed for payment of taxes prior to 17th April, 1964 if it is a residential structure and 1st April, 1962 for a commercial structure. The other proof that is insisted is of an electricity connection and payment of electricity bill raised by the electric company.

2. When none of the proofs demanded are produced by the petitioners, then, naturally, the petitioners cannot succeed. On such a position being brought to the notice of the petitioners' advocate, on instructions, the petitioners' advocate seeks leave to withdraw each of these petitions. Leave granted. The writ petitions are dismissed as withdrawn.

(G.S.PATEL, J.)

(S.C.DHARMADHIKARI, J.)