

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

NOTICE OF MOTION NO. 257 OF 2019
IN
WRIT PETITION NO. 1602 OF 2019

Riyaz Ramzan Khatri and Anr.	}	Applicants
in the matter of		
Nadeem Abdul Sattar Lakdawala	}	Petitioner
versus		
Municipal Corporation of Greater	}	
Mumbai and Ors.	}	Respondents

Mr.A.M.Saraogi for the applicant.

Ms.Vandana Mahadik for the Municipal Corporation.

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

DATED :- JULY 3, 2019

P.C. :-

1. Having heard Mr.Saraogi appearing for the applicants and perusing the order passed on 12th June, 2019, we do not think that the order proceeds only on a concession of respondent nos. 6 and 7. The order must be read in its entirety and so read, we do not think that the same in any manner is passed on an admission or a consent of respondent nos. 6 and 7. All that it says is, in law, a permission to develop the immovable property cannot be questioned by filing a writ petition in this court when the parties challenging such development permission are projecting a private

dispute or a dispute in relation to right, title and interest in the immovable property. That has to be asserted and claimed by approaching the competent civil court. The development permission or other acts of the Municipal Corporation will have to abide by adjudication by that court.

2. In these circumstances, the notice of motion is misconceived and it is dismissed. There would be no order as to costs.

(G.S.PATEL, J.)

(S.C.DHARMADHIKARI, J.)