

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO.955 OF 2019
WITH
NOTICE OF MOTION NO.524 OF 2018**

Willingdon View Co-op. Hsg. Soc. Ltd. & Anr. ... Petitioners
versus

Brihanmumbai Municipal Corporation & Anr. ... Respondents

**WITH
INTERIM APPLICATION NO.1 OF 2020**

Sunil B. Jhaveri ... Applicant
and

Willingdon View Co-op. Hsg. Soc. Ltd. & Anr. ... Petitioners
versus

Brihanmumbai Municipal Corporation & Anr. ... Respondents

Mr. Karl Shroff with Ms. Sheetal Parekh, Mr. Jayesh Desai, Mr. Dhruvil Shah i/by Jayesh Desai and Associates, for Petitioners.

Ms. Jaymala Oswal with Mrs. Rupali Adhate, Mrs. Yamuna Parekh, for MCGM.

Mr. Janak Dwarkadas, Senior Advocate with Ms. Simarjeeb Kaur, Ms. Priyanka Rane, Ms. Aziza Khatri i/by AAK Legal, for Applicant/Intervener in IA 1 of 2020.

**CORAM: S.J. KATHAWALLA &
B.P.COLABAWALLA, JJ.**

DATE: 9th JANUARY, 2020

P.C.:

1. By the above Writ Petition, the Petitioners seek the following relief :

“(a) this Hon’ble Court be pleased to issue a writ of certiorari or a writ, in the nature of certiorari or any other appropriate writ order or direction calling for the records and papers pertaining to the Petitioners case and after going into the legality and propriety thereof, be pleased to quash and set aside the impugned notices being

Ex. D dated 28th June, 2018, 31st July, 2018 being Ex. E/ 18th August, 2018 being Exh. F and the order dated 23rd October, 2018 being Ex. H passed by Respondent No.2;”

2. The Petitioner has drawn our attention to an order passed by this Court dated 27th July, 2012 in Writ Petition (L) No.1562 of 2012, paragraph 3 of which is reproduced hereunder :

“3. The Petitioner Society as well as concerned who are allotted flats in the building of the petitioner-society shall endeavour to submit proposals to the Municipal Corporation of Greater Mumbai, BEST and all concerned authorities for resolving the disputes arising from the acts of commission or omission of Respondent No.5 Satellite Holdings. This will also include any steps which may be required to be taken for regularization, if permissible, of allotment of areas in dispute.”

3. It is submitted that a regularization application is filed with the Corporation in the year 2014, which is not decided by the Corporation till date. Instead the Corporation has started issuing notices which are impugned in the present Petition. The Advocate appearing for the Corporation states that they have responded to the application seeking regularization. When this Court enquired as to when the same was responded to by the Corporation, the answer given is that they have responded to the regularization application on 24th January, 2019 i.e. after filing of the above Writ Petition. This is nothing but a mockery of the representations made by citizens to the

Corporation and also of court proceedings. Despite orders passed by this Court as far back as in the year 2012, the Corporation has failed to act on the regularization application. Even if a response is sent by the Corporation in January, 2019 and the Petitioners have not responded thereto, the Corporation could have rejected the regularization application on that ground. However, the Corporation is not interested in doing anything until the matters reach the Court. The Municipal Corporation is therefore, directed to hear the Petitioners and dispose off the regularization application filed in the year 2014 within a period of two weeks from today and thereafter, take appropriate action in accordance with law.

4. The Writ Petition is accordingly disposed of. Notice of Motion No.524 of 2018 and Interim Application No.1 of 2020 also stand disposed of.

(B.P.COLABAWALLA, J.)

(S.J.KATHAWALLA, J.)