

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

WRIT PETITION NO.2225 OF 2019

Jivaram Naranyanji Gujjar (Sutar)
and Ors.

... Petitioners

versus

Municipal Corporation of Greater
Mumbai and Ors.

... Respondents

Mr. R.M.Haridas i/by Mr. Kalpesh Patil, for Petitioners.

Mr. Anant Vadgaonkar with Ms. Rupali Adhate, Mrs. Yamuna Parekh, for MCGM.

Mr. Naresh Patil, Jr. Engineer, Maintenance Dept., N Ward present.

Mr. Sunil Shinde, Assistant Engineer, Maintenance N Ward, present.

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

DATE: 14th FEBRUARY, 2020

P.C.:

1. By the above Writ Petition, the Petitioners have impugned the notice dated 8th February, 2018 issued under Section 314 of the Mumbai Municipal Corporation Act, 1888 and also consequential public notice dated 14th December, 2018 issued by Respondent Nos.1 and 2. The grievance of the Petitioners before us is that the notice issued to the Petitioners under Section 314 of the Act is bad in law since the structure of the Petitioners is situated on private land. We have informed the Advocate for the Petitioners that we are not in agreement with his submission in view of the decision of the Division Bench of this Court in Writ Petition No.2244 of 2018 decided on 9th October, 2019.

2. The learned Advocate for the Petitioner further submitted that the Corporation has not followed the policy guidelines for removal of Bottlenecks/missing links of DP roads TP roads and RL and the Petitioners will be satisfied if the Corporation follows the said policy guidelines. The Advocate for the Corporation after taking instructions from Mr. Naresh Patil, Jr. Engineer, Maintenance Department, N Ward has informed us that the Corporation shall in the instant case follow the said policy guidelines set out in the Circular dated 20th March, 2017. The statement is accepted as an undertaking given to this Court. In view thereof, the Petitioner is not pressing the reliefs sought in the above Petition. The Writ Petition is accordingly disposed of.

(B.P.COLABAWALLA, J.)

(S.J.KATHAWALLA, J.)