

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 2990 OF 2017

The Ideal Shantinagar Co-op. Hsg.
Soc. Ltd., & Anr.

... Petitioners.

V/s.

Mira Bhayandar Municipal Corporation
& Ors.

... Respondents.

Mr. R. D. Mishra, Advocate for the Petitioners.

Mr. N. R. Bubna, Advocate for Respondent Nos. 1 & 2.

Mr. Aditya Shiralkar, Advocate a/w. Mr. Vivek Shiralkar,
Ms. Yashoda Desai & Mr. Vijay Poojari i/by M/s. Shiralkar &
Co. for Respondent No. 3.

**CORAM : A.A.SAYED & S.G.DIGE, JJ.
DATE : NOVEMBER 29, 2021.**

P.C. :

1 It is pointed out by the learned Counsel on behalf of the Respondent Corporation and the learned Counsel for the Respondent-Developer that in the connected Writ Petition filed by the another Society being Writ Petition No. 10806 of 2014, the same relief as in present Writ Petition was sought and this Court by order dated 19th March, 2015 has dismissed that Petition. Learned Counsel for the Respondent Corporation and the learned Counsel for the Respondent Developer submit that it is the same Commencement Certificate dated 13th

December, 2013 which is termed as order dated 13th December, 2013 which has been challenged in the present Petition. We have perused the order dated 19th March, 2015 and in particular in para nos. 6 to 9 thereof wherein this Court has, interalia, observed that the Court was satisfied that there is no illegality committed by the Respondent Corporation in the construction of the subject building.

2 In the circumstances, since the issue raised in the present Petition is already decided by this Court in Writ Petition No. 10806 of 2014 by order dated 19th March, 2015, the present Writ Petition cannot be entertained. The Writ Petition is accordingly dismissed.

(S.G.DIGE, J.)

(A.A. SAYED, J.)

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