

Shephali

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 864 OF 2024**

Devansh Corporation ...Petitioner
Versus
The Brihanmumbai Mahanagar Palika through ...Respondent
Municipal Commissioner

**Mr Chirag Mody, with Chetan Shah, i/b Rakesh Agrawal, for the
Petitioner.**

**Mr Anil Singh, Senior Advocate, with Rupali Adhate, for the
Respondent-MCGM.**

Mr Nathan K Kunde, Assistant Assessor, Collector, G/S Ward.

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**CORAM G.S. Patel &
Kamal Khata, JJ.
DATED: 28th February 2024**

PC:-

1. There are several reasons to dismiss this Petition in limine. The challenge is to certain special notices dated 14th March 2023 in relation to property tax assessment and additional charges. These are only notices. The Petitioner has filed a response and raised preliminary objections. The matter is being heard. The Petitioners have participated in that hearing.

2. Mr Singh, learned Senior Counsel for the Municipal Corporation of Greater Mumbai (“MCGM”) points out that the next hearing is in fact two days hence, on 1st March 2024.

3. Mr Mody states that this precisely because the hearing is two days from now that the Petitioners have moved urgently. It is difficult to think of a worse reason for moving when there is an alternative remedy that is in fact being actively availed of.

4. Prayer clause (b) actually gives the game away because this makes it clear that the Petitioners do not want the authority empowered under statute to decide the matter, i.e., the Petitioners’ representation against the assessments including the preliminary objections but want an ad-interim order staying all further hearing and want this Court to uphold the preliminary objections.

5. We are nothing doing of the kind. The 3rd Respondent, the Investigating Officer (Assessor and Collector) of the MCGM will proceed with the hearing that is before him and will do so on merits. He will undoubtedly decide all points raised including all preliminary objections.

6. No further orders are required. The Petition is disposed of in these terms. There will be no order as to costs.

(Kamal Khata, J)

(G. S. Patel, J)