

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

**WRIT PETITION NO. 1817 OF 2024
with
INTERIM APPLICATION NO. 3665 OF 2024**

Chitra Maruti Shelar

... Petitioner/Applicant

V/s.

The Municipal Corporation of
Greater Mumbai & Ors.

... Respondents

Mr. Vishal Patil for the Petitioner/Applicant
Mr. Bhavik Manek with Ms. R.M. Hajare i/b. Ms. Meena Dhuri for
Respondent – BMC
Mr. Chandanshive, SE (F/S Ward) Officer present

**CORAM : A. S. GADKARI AND
KAMAL KHATA, JJ.**

DATE : 21st January 2025.

P.C. :

1. In our view the present Petition is a classic example of the phrase “sheer abuse of process”. The latitude given to the Petitioner by our Court, purportedly a hapless woman, has only fueled her insatiable desires leading to multiple proceedings.

2. Record indicates that the Petitioner, a Project Affected Person (PAP), approached this Court in 2014 seeking accommodation near the Tata Memorial Centre, Tata Memorial Hospital, instead of the free

accommodation offered at Ghatkopar, being handicapped and a cancer patient. Being empathetic towards the Petitioner, this Court directed the BMC to check if it was possible for them to allot a premises in the vicinity as desired by the Petitioner. The Deputy Municipal Commissioner earmarked and offered a premises on the condition that she paid amount 80% of SDRR rate of PAP tenement as per the policy. The Petitioner accepted the condition and accordingly the Writ Petition bearing No. 744 of 2014 was disposed off in these terms.

3. The Petitioner then made another representation to the BMC that she is unable to pay the condition amount and the tenement should be given free of cost as per Resolution No. 1423 of 2003. That request was declined by the BMC stating that it was not applicable to the Petitioner's case as the rates mentioned were for additional space and not the entire premises. The Petitioner then filed a review. That too was rejected. The Petitioner now claims that the BMC played foul by offering the allotment letter and suppressed the amount payable to accept the tenement.

4. By this Petition, filed six years later, she seeks revocation of the allotment with condition to pay the amount of Rs.50,52,750/- and permit her to pay amounts as per the Resolution No. 1423 dated 10th December 2003.

5. We expressed our disinclination to grant the Petitioner relief as claimed.

6. At this stage on instructions, the learned Advocate for the Petitioner seeks leave to withdraw the Petition unconditionally.

Leave granted.

7. Writ Petition is disposed off as withdrawn.

8. In view of the disposal of the Petition, the Interim Application does not survive and is disposed off accordingly.

(KAMAL KHATA, J.)

(A.S. GADKARI, J.)

JYOTI
PRAKASH
PAWAR

Digitally signed
by JYOTI
PRAKASH
PAWAR
Date: 2025.02.12
11:09:02 +0530