

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.4350 OF 2014

1 Heard the learned counsel for the petitioner. The first challenge is to the notice dated 15th October 2014 issued by the District Collector to the petitioner. By this notice, the Collector called upon the petitioner to remain present for hearing on 24th October 2013. The second prayer is for transfer of Suit No.2481 of 2011 which is pending in the City Civil Court,Dindoshi to this Court. No reasons are required to be assigned to reject this second prayer. Merely because the petitioner feels that his suit involves substantial questions, on that ground, it cannot be transferred to this Court. Prayer clause(C) is again a challenge to the notice dated 15th October 2013. By the said notice dated 15th October 2013, in compliance with the principles of natural justice, the petitioner is called upon to remain present.

2 As far as the prayer (D) is concerned, the Judgment and Order dated 7th February 2007 in Writ Petition No.7502 of 2006 does not lay down a proposition of law that merely because a civil suit is pending, the Revenue Authorities should stay their hands. Paragraph 8 deals with a contingency when a proceeding is pending in this Court. The observation is that during the pendency of the proceeding before the High Court, Trial or Districts Courts ought to stay their hands.

3 Hence, the entire petition is misconceived and no relief can be granted under Article 226 of the Constitution of India. Accordingly, writ petition is rejected. Pending civil applications do not survive and the same are disposed of. All contentions on merits of the pending disputes are kept open.

(G.S.PATEL,J.)

(A.S.OKA,J.)