

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
PUBLIC INTEREST LITIGATION NO.34 OF 2014**

Rajesh Maruti Kamble
Versus
Municipal Corporation of
Greater Mumbai & Ors.

....Petitioner.

...Respondents.

Mr. Manoj Harit i/by Jay & Co. advocate for the Petitioner.
Ms. Trupti Puranik, advocate for the respondent no.1.
Mr. R.J.More, AGP for the respondent nos.2 and 5.
Mr. Birendra Saraf with Mr. Dinesh Pednekar with Mr. Rahul Hingoriya
i/by Hariani & Co., advocates for the respondent no.3.
Mr. Robin Jaisinghani, Ms. Neha Dhuru i/by Mulla & Mulla & Craigie Blunt
& Caroe, advocates for the respondent no.4.

**CORAM : SMT. VASANTI A.NAIK
& SHRI C.V.BHADANG, JJ.**

DATED : February 17, 2015.

P.C.:

By this public interest litigation, the petitioner seeks a direction to the respondent no.1-Corporation to take immediate action for the demolition of the unauthorized illegal building situated at 28, First Agiyari Lane, CS No.1413 of Bhuleshwar Division, Zaveri Bazar. The petitioner also seeks an inquiry to fix the responsibility on the persons responsible for the illegal and unauthorized acts.

It appears on hearing the learned counsel for the parties that Public Interest Litigation No.55 of 2014 has been filed by Mr. Nityanand Mishra for seeking the demolition of the same building situated on the aforesaid address. Also, the petitioner in the Public Interest Litigation No.55 of 2014 has sought an enquiry for fixing the responsibility for the illegal and unauthorized acts of the persons concerned. Also, it is brought to the notice of this Court that the owners of the building in question have filed a suit before the City Civil Court challenging the notice issued by the Corporation for demolition of the building in question and in the said suit, an application was filed by the petitioner herein for his joinder and the trial Court has permitted the petitioner to participate in the proceedings by helping the corporation and by tendering the evidence, as a witness. The order of the City Civil Court is not challenged by the petitioner and the petitioner has accepted the same. In this background, it would not be proper to entertain this public interest litigation with a view to circumvent the order of the City Civil Court, on the application filed by the petitioner specially when Public Interest Litigation No.55 of 2014 seeking identical reliefs as sought in this petition, is pending in this Court.

Hence, we decline to entertain this public interest litigation and dispose of the same with no order as to costs.

(C.V.BHADANG, J.)

(MRS. VASANTI A.NAIK, J.)

