

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO.1472 OF 2014

Michael Paskol Koli. .. Petitioner
Vs
The State of Maharashtra and Others. .. Respondents

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Shri Anand Mishra i/by Shri A.M. Saraogi for the Petitioner.
Shri V.S.Tiwari, AGP for the Respondent No.1 State.
Shri Vinod Mahadik for Respondent BMC.
Shri S.S. Redekar for the Respondent No.3.

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CORAM : A.S. OKA & C.V. BHADANG, JJ
DATED : 23RD APRIL 2015

PC.

. In L.C. Suit No.266 of 2014 filed by the Petitioner, a prayer has been made not only against the private Defendants but also against the Mumbai Municipal Corporation directing the Mumbai Municipal Corporation to take an action of demolition against the illegal structures allegedly erected by the Third Respondent in this Petition. Though the Defendants in the said suit are different, it is not in dispute that the property in respect of which a relief is claimed in this Petition is the same as the suit property in the suit.

2. The Notice of Motion for temporary injunction filed by the Petitioner in the said suit has been dismissed by the City Civil Court, Mumbai. The Appeal from Order preferred by the Petitioner has been

dismissed by this Court by an order dated 15th April 2014. Liberty has been granted to the Petitioner to press the relief of removal of the illegal construction before the City Civil Court.

3. In view of the pendency of the suit, the Petitioner cannot be allowed to invoke writ jurisdiction under Article 226 of the Constitution of India. Therefore, we decline to entertain this Petition and the same is, accordingly, disposed of. All contentions on merits are kept open.

(C.V. BHADANG, J)

(A.S. OKA, J)