

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
OOCJ

CHAMBER SUMMONS NO.201 OF 2013

IN

WRIT PETITION NO.2453 OF 2013

Bilal Shafiullah Khan & anr.

... Applicants

IN THE MATTER BETWEEN:

Shaikh M.R. Hussain & anr.

... Petitioners

Vs.

Municipal Corporation of Greater Mumbai & anr.

... Respondents

Mr.Rajshekhar V. Govilkar for the Petitioners

Ms.Shobha Ajitkumar for Respondent – Corporation

Ms.S.Y. Bangwala i/b Rohit Pawaskar for Applicant

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

DATE: 12th JANUARY, 2015

P.C.:

Heard.

The petitioner has filed the instant petition seeking a direction to the respondent-Corporation and its officers to take decision on the application of the Trust for regularisation and to suspend the action of demolition of the said Masjid. It is brought to the notice of this Court by the applicants in Chamber Summons No.201 of 2013 that the petitioners had filed L.C. Suit No.1602 of 2013 seeking an injunction restraining the respondent –

Corporation from demolishing, damaging or removing any part of the suit premises, i.e., the masjid. We find that the relief sought by the petitioner in civil Suit No.1602 of 2013 and the relief sought by the petitioner in this writ petition is similar. The petitioner has sought suspension of the action of the demolition of the said masjid in the instant petition. The applicants had filed a Chamber Summons in the suit filed by the petitioner and the City Civil Court, it is informed by the learned Counsel for the applicants, had permitted the applicants to be impleaded as parties to the suit, by the order dated 8.4.2014. In any case, since the action was initiated by the Corporation on the complaints made by the applicants and since the applicants are said to have been joined as parties to the L.C. Suit No.1602 of 2013, the prayer made in prayer clause (a) of the Chamber Summons needs to be granted.

The Chamber Summons is made absolute in terms of prayer clause (a). The amendments should be carried out within a period of one week. Chamber Summons is disposed of accordingly.

(C.V. BHADANG, J.)

(VASANTI A. NAIK, J.)