

nsc.

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

WRIT PETITION (L) NO.2022 OF 2015

Fatehlal Mangilal and Ors. ...Petitioners
v/s.
Municipal Corporation of Greater Mumbai and Ors. ...Respondents

Mr.P.M.Shah a/w Mr.Maulik Tanna and Mr.Ankur Kalal, for the
Petitioners.

Mr.A.G.Damle, Senior Counsel, for the Respondent Nos.4 and 5.

Ms.Shobha Ajitkumar, for the Respondent – BMC.

**CORAM: A. S. OKA &
REVATI MOHITE DERE, JJ.**

DATED : 22nd JULY, 2015.

P.C.

Not on board. Taken on board.

1. Heard the learned counsel appearing for the petitioners.
2. The substantive challenge in this petition is to the report of the Technical Advisory Committee of the Mumbai Municipal Corporation which is dated 22nd June, 2015. Interim relief is claimed in respect of the notice dated 1st July, 2015 issued under Section 354 of the Mumbai Municipal Corporation Act, 1888.

3. It is not in dispute that the petitioners have filed a suit in the City Civil Court for challenging the notice under Section 354 of the said Act. The reference made to the Technical Advisory Committee is a consequential action taken by the Mumbai Municipal Corporation on the basis of the notice under Section 354 of the said Act. As a substantive suit filed by the petitioners is pending, it is for the petitioners to seek appropriate relief as regards the report dated 22nd June, 2015 in the pending suit.

4. Hence, we decline to entertain this petition filed under Article 226 of the Constitution of India.

5. Subject to what is observed above and by keeping all the remedies of the petitioners expressly open, we disposed of the petition. All contentions of the parties in the pending suit including the issue of jurisdiction are kept open.

(REVATI MOHITE DERE,J.)

(A.S. OKA,J.)