

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

WRIT PETITION (L) NO.2451 OF 2015

Naraindas Parmanand Sanatorium Trust .. Petitioner

V/s

Municipal Corporation of Greater Mumbai
and others .. Respondents

Mr. Shailesh Shah, Senior Counsel a/w Ms Namrata Barot i/by
Navdeep Vora and Associates for petitioner.

Mr. Vinod Mahadik for respondent No.1-BMC

Mr. D.H. Mehta a/w Arshil Shah for respondents No.5 and 6.

Mr. Y.K. Tiwari i/by K.P. Tiwari for respondents No.7 to 22.

CORAM : A.S. OKA &

K.R. SHRIRAM, JJ.

DATE : AUGUST 20, 2015.

P.C.:

. Not on board. Taken on board.

2 Heard the learned Senior Counsel appearing for the
Petitioner, the learned Counsel appearing for the Municipal
Corporation of Greater Mumbai and the learned Counsel
appearing for the Respondents No. 5 and 6.

3 Various disputed questions of fact including the
disputed question of title and possession arise in this petition.

4 Therefore, we decline to entertain this petition under Article 226 of the Constitution of India. The proper remedy for the petitioner will be to file a Civil Suit. As the challenge will be to the action under Section 354 of the Mumbai Municipal Corporation Act, 1888, it is obvious a bar under Section 515A of the said Act will not apply.

5 To enable the petitioner to file a suit and to move the concerned Court for grant of appropriate ad-interim relief, we direct that further action shall not be taken in respect of the buildings in question under Section 354 of the Mumbai Municipal Corporation Act, 1988, for a period of two weeks from today. Petition is accordingly disposed of.

(K.R. SHRIRAM, J.)

(A.S. OKA, J.)