

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 11812 OF 2016

The Lokupvan Phase II
Co-operative Housing
Society's Federation Ltd.
Thane

... Petitioner

V/s.

Thane Municipal Corporation & anr.

... Respondents

Mr. Sagar A.Joshi for the petitioner.

Mr. Mandar Limaye for respondents 1 and 2.

**CORAM : NARESH H. PATIL AND
M.S. KARNIK, JJ.**

28th November, 2016.

P.C.

The petitioner is aggrieved by the Corporation decision to allot part of the space on the DP road to persons with disability. Admittedly, a civil suit was filed praying for injunction. Learned Counsel appearing for the petitioner submits that construction was made after the sheds were erected temporarily. The suit itself would become infructuous.

2. In the facts of the case, we are of the view that petitioner may still have recourse to the alternate remedy. Appropriate reliefs could be prayed for seeking amendment in the suit. All issues on merits are kept open. Petition is disposed of.

(M.S. KARNIK, J.)

(NARESH H. PATIL, J.)

L.S. Panjwani, P.S.