

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 11326 OF 2014**

Dr. Shivdev Bhagwant Rajebahadur and ors.Petitioners
versus
Phul Mali Samaj Mangal Karyalaya and ors. ...Respondents

Mr. M. M. Sathaye, advocate for the petitioners.
Mr. Ramesh Sawant i/b. Mr. Sachin Dhakephalkar, advocate for
respondent No.1.
Mrs. Shriniwas S. Patwardhan, advocate for respondent No.2.
Mr. P. G. Kathane, AGP for the State.

**CORAM : RANJIT MORE &
ANUJA PRABHUDESSAI, JJ.**

DATE : 16th SEPTEMBER, 2016.

P. C. :

Heard learned counsel and learned AGP appearing for the
respective parties.

2. The petitioners, by the above petition, is seeking directions
against respondent No.2 – Municipal Corporation to take action of
demolition against respondent No.1 in pursuance of the notice dated
30th December, 2013 issued under Maharashtra Regional and Town
Planning Act, 1966.

3. Mr. Patwardhan, learned counsel for respondent No.2, on
instructions, makes a statement that in respect of the construction
which is the subject matter of this petition, respondent No.1 has filed

regular civil suit No.376 of 2015 and obtained temporary injunction against the respondent No.2-Corporation restraining it from acting on the said notice.

4. In the above circumstances, we are not inclined to entertain the writ petition. The writ petition is, accordingly, dismissed.

5. It is made clear that if the petitioners are not party in the said suit, they are at liberty to intervene in the same.

(ANUJA PRABHUDESSAI, J.)

[RANJIT MORE, J.]