

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION (L) NO.857 OF 2016**

Arif Mohd Jafer Siddiqui

...Petitioner

Versus

Municipal Corporation of Greater
Mumbai & Ors.

...Respondents

...

Mr. Altaf Khan i/b. Ms Anjali Awasthi for the Petitioner.

Ms K.M. Mastakar for Respondent No.1-B.M.C.

Ms Rita Yadav i/b. Reeta Law and Associates for Respondent No.4.

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

DATED : 11th AUGUST, 2016.

P. C. :

Heard the learned counsels appearing for the respective parties.

2. Vide this petition the Petitioner is seeking direction to the Respondent- Municipal Corporation to take cognizance of the unauthorised construction of Respondent No.4 and to remove the same.

3 The learned counsel for Respondent No.4 brought to our notice that in respect of construction in question already two suits

being LC Suit No.493 of 2016 and 264 of 2016 are pending in the City Civil Court, in which Respondent No.2 is also a party and in L.C. Suit No.493 of 2016 the City Civil Court directed the parties to maintain status quo.

4. Under the circumstances, we refuse to exercise writ jurisdiction, especially when the Petitioner is always at liberty to intervene in the said suit No.493 of 2016 pending before the City Civil Court.

5. In the above circumstances, the petition is dismissed.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)