

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.1264/2016

Shyamsunder s/o Gangabisen Kalantri

...Versus...

Nagpur Municipal Corporation, through Municipal Commissioner, Civil Lines,
Nagpur and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri V.A. Madnani, Advocate for petitioner
Shri A.M. Kukday, Advocate for respondent no.1
Shri Mohd. Ateeque, Advocate for respondent no.2

CORAM : SMT. VASANTI A. NAIK AND
MRS. SWAPNA JOSHI, JJ.

DATE : 18.11.2016

By this petition, the petitioner seeks a declaration that the respondent no.1 – Nagpur Municipal Corporation had no authority to demolish the structure in occupation and possession of the petitioner.

It is brought to the notice of this Court by the learned Counsel for the respondents that the petitioner has filed a civil suit against the action on the part of the Corporation and has sought possession of the property. It is also pointed out that certain other ancillary prayers are also made in the suit. It is stated on behalf of the respondents that filing of a civil suit would itself be an appropriate remedy and it would not be proper on the part of the petitioner to file a writ petition, specially when a civil suit is already filed.

We uphold the objection raised on behalf of the respondents and decline to entertain the writ petition, more so, when the issues involved in this writ petition cannot be decided, in exercise of the writ jurisdiction.

The writ petition is disposed of with no order as to costs. The points raised in the petition are kept open.

JUDGE

JUDGE

Wadkar