

pmw

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.810 OF 2017**

Vat-Pipal Kala Hanuman Charitable Trust ... Petitioner
Vs.
Mira Bhayander Municipal Corporation and Anr. ... Respondents

Mr. Sandeep Mishra for the Petitioner.
Mr. N.R. Bubna for the Respondent Nos.1 and 2.

**CORAM : A.S. OKA &
SMT. VIBHA KANKANWADI, JJ.**

DATE : 12th JULY, 2017

PC.

. **Not on Board. Taken on Board.**

1 Heard the learned counsel appearing for the petitioner. In substance, the case made out in the Petition is that Hanuman Temple was demolished by the first respondent – Municipal Corporation in breach of undertaking dated 14th September, 2012 given in Regular Civil Suit No.1390 of 2012.

2 The petitioner has a remedy available under Rule 2A of Order XXXIX of the Civil Procedure Code, 1908. Hence, we decline to entertain this Petition under Article 226 of the Constitution of India. However, the remedy of the petitioner is kept open.

(SMT. VIBHA KANKANWADI, J)

(A.S. OKA, J)