

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3762 OF 2016

Sharad Agwankar	...	Petitioner
Vs.		
MHADA & Ors.	...	Respondents

Mr. Pranil Sonawane for the Petitioner.

Mr. J.M. Joshi for Respondent No.2.

Mr. Akshay Kapadia, i/by M/s. J. Shekhar & Co., for Respondent No.3.

CORAM : NARESH H. PATIL &
DR. SHALINI PHANSALKAR-JOSHI, J.J.

DATE : 10TH APRIL 2017.

P.C. :

1. Heard learned counsels for the respective parties.
2. The Petitioner had earlier filed a Civil Writ Petition No.1229 of 2016, which came to be disposed of by the Division Bench of this Court vide its order dated 11th February 2016. The said order reads as under :-

“1. The contention of the petitioner is that notwithstanding the order of interim relief dated 20th February 2015 passed by the Civil Court in a Civil Suit instituted by the petitioner, the

respondent Thane Municipal Corporation has evicted the petitioner.

2. The Civil Suit is pending. The remedy of the petitioner is to seek appropriate relief in the pending Suit. Hence, we decline to entertain this Petition. Accordingly, we dispose of the writ petition. Remedy of the petitioner is kept open.”

3. The learned counsel for the Respondent-Municipal Corporation submits that a Civil Suit has been filed by the Petitioner. Application for injunction filed by the Petitioner below Exhibit-5 had been rejected.

4. In case the Petitioner is having any other grievance, he may resort to alternate remedy, as permissible in law.

5. All issues, on merits, are kept open.

6. No interference is warranted. Petition is disposed of.

[DR. SHALINI PHANSALKAR-JOSHI, J.] [NARESH H. PATIL, J.]