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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.4490 OF 2014**

Shree Ambica Apartment CHS	... Petitioner
Vs.	
Navi Mumbai Municipal Corporation & Ors.	... Respondents

None for the Petitioner.

Mr. Sandeep V. Marne for the Respondent Nos.1 to 3.

Ms. Radha Agrawal i/by Mr. Ramesh Tripathi for the Respondent No.4.

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

DATE : 26th JULY, 2017

PC.

1 None appeared for the petitioner in the morning session. Even in the afternoon session, none appears for the petitioner. The prayer in this Petition under Article 226 of the Constitution of India is for issuing a writ of mandamus against first to third respondents enjoining them to demolish the alleged illegal structures. There is an affidavit filed by Shri Subhash Krishna Gaikar, Deputy Municipal Commissioner of Navi Mumbai Municipal Corporation on behalf of the first to third respondents. In the affidavit, it is stated that the Respondent No.4 has filed a Civil Suit in which ad-interim order of status-quo was granted which is continued till the final disposal of the

Suit. In the affidavit, it is stated that in the light of the said order, action of demolition could not be taken.

2 The learned counsel appearing for the first to third respondents, on instructions, reiterates that the said order of status-quo continues to operate even as of today.

3 In view of the aforesaid factual position, we are unable to issue a writ of mandamus as prayed for. Accordingly, the Writ Petition is disposed of. If the order of status-quo is vacated, the petitioner can always make an appropriate representation to the first to third respondents which will be considered in accordance with law.

(SMT. VIBHA KANKANWADI, J)

(A.S. OKA, J)