

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION**

**WRIT PETITION (ST.)NO. 17300 OF 2017**

Nityanand Shitlaprasad Pandey & Anr.

...Petitioners

Versus

The Commissioner, Mira Bhayandar  
Municipal Corporation

...Respondent

.....

Mr.Raju Digambar Suryawanshi for the Petitioners.

.....

**CORAM: Mrs.MRIDULA BHATKAR, J.  
DATED: JUNE 27, 2017**

**P.C. :**

1. Not on board. Upon mentioning, taken on board.
2. Rule. Rule made returnable forthwith. By consent, petition is heard finally and disposed of at the stage of admission.
3. This petition is directed against the order dated 23.06.2017 passed by the learned Jt. Civil Judge, Junior Division, Thane in Regular Civil Suit No.403 of 2017 below Exhibit 13 thereby rejecting the application filed by the plaintiffs/ petitioners for the order of status quo in respect of a notice dated 20.06.2017 issued by the Ward Officer, Mira Bhayandar Municipal Corporation to the plaintiffs/ petitioners wherein the petitioners were informed to restore the situation prior to 31.01.2017 as it was.

4. It is the case of the petitioners that they are having own residential premises in a society at Mira Road on the ground floor. On 02.11.2016, they had moved an application before the Municipal Corporation for changing of user from residential to partly commercial. Accordingly, the Municipal Corporation has given permission for changing of user from the residential to partly commercial as asked for on certain terms and conditions, vide letter dated 07.11.2016. One of the conditions was to demolish the rolling shutter.

5. The learned counsel for the petitioners has submitted that the said rolling shutter was not removed for some time and therefore, the Municipal Corporation, vide letter dated 31.01.2017 has cancelled and revoked the said permission granted to the petitioners. In the meantime, the petitioners have converted their residential premises into commercial premises and running their commercial business from the said suit premises. He has further submitted that pursuant to the notice dated 20.06.2017 the Municipal Corporation wants to restore the possession of the suit flat as it was prior to 01.01.2017. He has further submitted that till the status quo has not been granted, the suit flat will be converted. Now, he has produced photographs of removal of rolling shutter. He has further submitted that the application below Exhibit -5 is still pending before the trial Court and till then status quo is to be granted.

6. Perused the order dated 23.06.2017 passed by the learned Judge and all documents. The trial Court is directed to hear the application below Exhibit-5 praying for interim relief at the earliest. I have read the order passed by the trial Court, I do not find any reason to interfere with the order. Hence, Writ Petition is summarily disposed of.

7. In view of the above, Writ Petition is disposed of.

**(MRIDULA BHATKAR, J.)**