

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

WRIT PETITION NO.9625 OF 2017

The Clover Highlands Co-operative
Housing Society Ltd.

... Petitioners.

Versus

The Pune Municipal Corporation
and others.

... Respondents.

....

Mr. Radhikesh V. Uttarwar for the Petitioner.

Mr. A.Y. Sakhare i/b. Vishwanath Patil for Respondent Nos.1 and 2.

Mr. P. Samdani, Senior Counsel a/w. Vatsal Merchant i/b. Kishor

Thakkordas & Co. for Respondent No.3.

Mr. A.P. Vanarse, AGP for Respondent-State.

....

***CORAM : Smt.Vasanti A Naik &
Riyaz Iqbal Chagla, JJ.***

DATE : 5th October, 2017.

P.C. :

On hearing the learned Counsel for the parties and on a perusal of the averments in the Writ Petitioner and the affidavit in reply filed on behalf of the respondent No.3 and the Municipal Corporation, we find that several disputed questions of facts arise in this Writ Petition. On a reading of the prayer clause, we find that some of the prayers made in the Writ Petition cannot be granted in exercise of the writ jurisdiction as the matter pertains to the enforcement of rights under the Maharashtra Ownership of Flats Act. If the petitioner is so interested, the petitioner may avail the appropriate remedy.

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

(Riyaz I. Chagla J)

(Smt.Vasanti A Naik, J)