

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

WRIT PETITION NO.12084 OF 2017

Qasim Mohd. Suleman Qureshi ... Petitioner.

Versus

The Commissioner,
Bhiwandi Nizampur City Municipal
Corporation and others ... Respondents.

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Mr. Ashok T. Pandire a/w Mr. H.M. Inamdar for the Petitioner.
Mr. N.R. Bubna for Respondent Nos. 1 to 5.
Ms. Nisha Mehra, AGP for Respondent No.6.
Mr. Abdul Habeez Kotwala for Respondent No. 8.

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

DATE : 29th November, 2017.

P.C. :

The learned counsel for petitioner was heard for some time during the morning session. Since we were inclined to dismiss the writ petition as we did not find any merit in the same, the learned counsel sought some time to make a statement whether the petitioner would wish to withdraw the writ petition. The matter was kept back. However, when the matter is called in the afternoon session, none appears on behalf of the petitioner. Hence, we proceed to decide the writ petition.

By this writ petition, the petitioner seeks a direction against the respondent nos. 1 to 5-Corporation authorities to take action for the demolition of the illegal construction carried out by the

respondent nos. 7 and 8 on C.T. Survey no.7233/B.

On hearing the learned counsel for the parties, we find that the relief sought by the petitioners cannot be granted at this stage. It appears that the respondent no.8 has filed Regular Civil Suit no.250/2015 in the Court of Civil Judge, Junior Division, Bhiwandi for a permanent injunction restraining the Corporation authorities from demolishing of the suit property. In the said suit, it appears that an interlocutory order of 'status quo' is passed and the status quo is extended from time to time. In view of the orders granting status quo in the matter filed by the respondent no.6 against the Corporation, a conflicting direction cannot be issued against the Corporation authorities to demolish the structures of the respondent nos. 7 and 8. The Corporation may take steps to immediately file a written statement/reply in the suit filed by the respondent nos. 7 and 8. The petitioner is at liberty to file appropriate proceedings if the order of status quo is vacated or the suit filed by the respondent no.8 is dismissed.

With the aforesaid observations and directions, we dispose of the writ petition with no order as to costs.

(Riyaz I. Chagla J)

(Smt. Vasanti A Naik, J)