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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO.2209 OF 2014**

Gulam Hazrat Abdul

... Petitioner

Vs.

The Municipal Corporation of Greater Mumbai

... Respondent

Mr. Altaf Khan for the Petitioner.

Ms. Vandana Mahadik for the Respondent.

Mr. Pravin Paraghave, Sub-Engineer present.

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

DATE : 12th JULY, 2017

PC.

1 The learned counsel appearing for the Mumbai Municipal Corporation states that the Mumbai Municipal Corporation does not desire to take action under Section 314 of the Mumbai Municipal Corporation Act, 1888 against the structure subject matter of this Petition and recourse is already taken to the provisions of the Maharashtra Regional and Town Planning Act, 1966. We accept the said statement. The learned counsel appearing for the petitioner tenders a compilation containing proposed amendment. The proposed amendment is based on an appeal purportedly preferred under Sub-

Section (2) of Section 56 of the MRTP Act by the appellant against the notices issued under the MRTP Act.

2 We accept the aforesaid statement made by the learned counsel appearing for the Municipal Corporation, on instructions of Shri Pravin Paraghave, Sub-Engineer. Therefore, it is not necessary to entertain this Petition especially when against the action initiated under the MRTP Act, the petitioner has already availed of a statutory remedy.

3 The learned counsel appearing for the petitioner submits that ad-interim relief granted on 23rd May, 2014 may be continued as Appeal preferred by the petitioner is not being heard.

4 Ad-interim relief granted by this Court protects the action on the basis of notices issued under Section 314 of the Mumbai Municipal Corporation Act, 1888. Now that the aforesaid statement has been made, it is not necessary to continue ad-interim relief. If the grievance of the petitioner is that the appeal preferred by him before the State Government is not being heard, it is for the petitioner to adopt appropriate proceedings in that behalf. The Petition is accordingly disposed of.

(SMT. VIBHA KANKANWADI, J)

(A.S. OKA, J)