

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION ST. NO.1942 OF 2017

Mohan Bhima Solanki & Others. .. Petitioners
Vs
The Municipal Corporation of Greater Mumbai
and Another. .. Respondents
—
Shri A.G.Damle, Senior Counsel i/b Shri J.P.Singh for the Petitioners.
Ms.Geeta Joglekar for the Respondent No.1
Shri Akash Rebello i/b Shri Ravi T. for Respondent No.2.
--

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

DATED : 24TH JULY 2017

PC.

1. Not on board. Taken on board.
2. Learned counsel appearing for the second Respondent has tendered across the bar a demolition report dated 31st May 2017. The learned senior counsel appearing for the Petitioner submits that the area of the premises to be demolished is specifically mentioned in the notice dated 18th October 2013 and the order of demolition of the same year. He states that in fact the excess area has been demolished.

3. There is no document placed on record to show that the area of the premises held by the Petitioner was more than what is mentioned in the impugned order of demolition.

4. The Petition will require adjudication of the disputed questions of fact. We, therefore, decline to entertain this Petition. If the case of the Petitioner is that what is demolished is not covered by the impugned notice as well as the impugned order passed under Section 351 of the Mumbai Municipal Corporation Act, 1888, a civil suit is always maintainable.

5. Accordingly, the Petition is disposed of. However, remedy of the Petitioner is kept open.

(VIBHA KANKANWADI, J)

(A.S. OKA, J)