

**IN THE HIGH COURT OF JURICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION NO. 2884 OF 2015

Abdul Umarji Patel & Ors.

... Petitioners

V/s.

Municipal Corporation for Greater Mumbai

... Respondent

Mr. N.P. Bhavsar for the Petitioners.
Ms. Pallavi Thakkar for Respondent.

**CORAM : A.S.OKA &
SMT. VIBHA KANKANWADI, JJ.
DATE : 07th JUNE, 2017**

P.C.:

1 Heard learned Counsel appearing for Petitioners.

2 In this petition lodged on 05th October, 2015, the contention of the Petitioners is that the Petitioner No.1 is in possession of the premises more particularly described in paragraph 2 of the petition and that he is conducting business in the said premises from the year 1960. The petition is based on the apprehension that the Respondent/Mumbai Municipal Corporation will demolish the premises subject matter of this petition without following due process of law.

3 Even according to the case of the learned Counsel for the Petitioners, between 05th October 2015 and today, no steps have been taken by the Mumbai Municipal Corporation to disturb the possession of the Petitioners. There is no ad-interim granted to the Petitioners in this petition till today from 05th October,

2015.

4 If the apprehension of the Petitioners that the Respondent is likely to dispossess the Petitioners and demolish the premises of the Petitioners still subsists, the petitioners can approach an appropriate Civil Court by filing a civil suit.

5 We, therefore, decline to entertain this petition under Article 226 of the Constitution of India while granting the liberty to the Petitioners as aforesaid.

6 Petition is accordingly disposed of.

7 All contentions on merits are kept open.

(SMT. VIBHA KANKANWADI, J.)

(A.S.OKA, J.)