

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 299 OF 2018

MOHAMMED GOUS SHAIKH @ MOHAMAD
GOUNSE SHAIKH AND ANR., ... Petitioners

Versus

MAMLATDAR OF MORMUGAO TALUKA,
VASCO AND 2 ORS., ... Respondents

Mr. Ashutosh Shukla, Advocate for the petitioner.

***WITH
CIVIL APPLICATION NO. 37 OF 2018***

MOHAMMED GOUS SHAIKH @ MOHAMAD
GOUNSE SHAIKH AND ANR., ... Applicants

Versus

MAMLATDAR OF MORMUGAO TALUKA,
VASCO AND 2 ORS., ... Respondents

Mr. Ashutosh Shukla, Advocate for the applicant.

***Coram:- N. M. JAMDAR &
PRITHVIRAJ K. CHAVAN, JJ.***

Date:- 28 February 2018

P. C.

Heard learned Counsel for the petitioner.

2. The only prayer made in the writ petition is as under:

A. Issue a writ of mandamus or a writ in the nature of mandamus or any other appropriate order or direction, directing the Respondents to maintain status quo and also stay operation of Final Notice of respondent No. 1 till the disposal of petitioners application under Order 39 Rule 1 and 2 pending before Ld. Civil Judge Senior Division and or may pass such other and further order as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.

B. Issue a writ of mandamus or a writ in the nature of mandamus or any other appropriate writ or direction, directing Respondent no. 1 not to take any further step as mentioned under the purported notice dated 08/12/2017.

2. It appears from the bare reading of the petition that the suit filed by the petitioner is pending and they have also filed application for temporary injunction under Order 39 Rule 1 and 2. In these circumstances, we cannot issue writ of mandamus as the petitioner will have to pursue his remedy in the Civil Court which he has already availed. In the circumstances, the writ petition cannot be entertained and is rejected.

3. As regards the civil application, entirely different relief

has been sought for on the ground of non-availability of the Debt Recovery Appellate Tribunal in Mumbai. In view of the disposal of the Writ Petition, such Civil Application cannot be entertained. The same is rejected.

Prithviraj K. Chavan , J.

N.M. Jamdar, J.