

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3811 OF 2018

Bilal S. Shaikh.

..Petitioner.

Versus

The Bhiwandi Nizampur City Municipal
Corporation and Others.

..Respondents.

Mr. A. P. Mhatre for the Petitioner.

Mr. N. R. Bubna for Respondent No. 1.

Mr. S. M. Oak I/b Mr. Sagar Joshi for Respondent No. 3.

Coram : RANJIT MORE &
REVATI MOHITE DERE, JJ.

Date : **December 20, 2018.**

P. C. :

1. Heard. By this petition, the Petitioner is making grievance about the unauthorised construction carried out by Respondent No. 3. The Petitioner also contends that the Respondent no.1 -Corporation has not taken action for demolition despite issuance of notice under section 260 of the Maharashtra Municipal Corporations Act and subsequent orders passed to that effect.

2. Mr. Oak, learned counsel for Respondent No.3 submitted that said notice and orders issued by Respondent No.1 are challenged by filing a suit in the Court of Civil Judge, Junior Division, Bhiwandi, being Regular Civil Suit No. 5 of 2018. He also submitted that in the said suit, the Court has passed an order on 25th January

2018 granting interim protection to Respondent No.3.

3. In above circumstances, we are not inclined to entertain this writ petition and the same is accordingly dismissed. However, we direct the Respondent-Corporation to apply to the concerned civil Court for expeditious hearing of the suit filed by Respondent No.3. The Petitioner is at liberty to file an application for intervention in the said suit. In the event such an application is filed by the Petitioner, the Court of Civil Judge, Junior Division, Bhiwandi shall decide the same independently, on its own merits and in accordance with law.

[REVATI MOHITE DERE, J.]

[RANJIT MORE, J.]