

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5474 OF 2018

Arvind Feruram Jaiswar.

..Petitioner.

Versus

Bhiwandi Nizampur City Municipal
Corporation and Others.

..Respondents.

Mr. Jagdish G (Aradwad) Reddy for the Petitioner.

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

Ms. A. A. Purav, AGP for the Respondent-State.

Ms. Niam G. Mohite I/b Ramakant Yadav for Respondent No. 3.

Coram : RANJIT MORE &
REVATI MOHITE DERE, JJ.

Date : **December 20, 2018.**

P. C. :

1. The petition is filed making grievance about the unauthorised construction carried out by Respondent Nos.3, 4 and 5. It is the contention of Petitioner that initially notices under section 260 of the Maharashtra Municipal Corporations Act were issued and consequent orders were passed regarding the unauthorised constructions put up by Respondent Nos. 3, 4 and 5 but no action is taken thereon.

2. Mr. Bubna, learned counsel for the Respondent-Corporation submitted tghat these Respondents have approached the civil Court and have filed civil suit and obtained interim protection from the Court protecting their structures.

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 Nos.3, 4 and 5. The Petitioner is at liberty to file an application for intervention in the said suits. In the event such an application is filed by the Petitioner, the civil Court shall decide the same independently, on its own merits and in accordance with law.

[REVATI MOHITE DERE, J.]

[RANJIT MORE, J.]