

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION***

WRIT PETITION NO. 10039 of 2018

Om Heights Sahakari Gruharachana Sanstha Maryadit V/s. Shri Santosh Ramchandra Harpale & ors.		Petitioner Respondents
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Mr. Uday B. Nighot for the petitioner.
Ms. Nisha Mehra, AGP for the State.

**CORAM : NARESH H. PATIL, ACTING C.J.
& R.G. KETKAR, J.**

10th September, 2018.

P.C.

The petitioner seeks a direction to respondent Corporation to take action against alleged unauthorised construction carried out by respondents 1 to 7 herein. The petitioner has annexed copy of the plaint filed by respondents 1 to 3 herein against Pune Municipal Corporation and the Dy. Engineer, Building Development Department, Pune and the petitioner had also annexed copy of the order passed by

the Civil Judge, Junior Division, PMC, Pune dated 13th June, 2018 which reads as under:-

“Both parties directed to maintain status quo till next date with direction to proceed on Exh.5 on next date.”

2. It is evident that petitioner is not made party to the Suit. In view of the pendency of the Suit, the petitioner may resort to alternate efficacious remedy as permissible in law. All issues on merits are kept open. Writ Petition stands disposed of.

3. In case the petitioner decides to apply for impleadment in Suit, he may request the trial Court for expeditious hearing of interim-application, pending if any.

R.G. KETKAR, J

ACTING CHIEF JUSTICE

L.S. Panjwani, P.S.

Lata
Sunil
Panjwani

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by Lata Sunil
Panjwani
Date:
2018.09.19
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