

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.10154 OF 2018

Mangilal Jeevraj Chhajed .. Petitioner
vs
Pune Municipal Corporation & anr .. Respondents

Mr.Pravartak Pathak for Petitioner
Mr.Vishwanath Patil for Respondent
nos.1 and 2.

**CORAM : NARESH H.PATIL ACTING C.J. &
G.S.KULKARNI, J
DATED : 1st OCTOBER 2018**

P.C. :

1. Heard learned counsel for the petitioner.
2. This petition under Article 226 of the Constitution of India has been principally filed for the following reliefs :
 - a) Be pleased to issue writ of mandamus or any other writ or order in the nature of mandamus and thereby direct the Respondent Corporation to decide the application dated 30th July 2018 within such period as this hon'ble Court may deem fit.
3. It is not in dispute that the petitioner was issued a notice dated 15th November 2017 by the Pune Municipal Corporation (for short 'the Corporation') under section 478 (1) of the Maharashtra Municipal Corporation Act, 1949 Informing the petitioner that the alleged structure

which was according to the Municipal Corporation illegal, would be demolished. Being aggrieved the petitioner had filed a regular civil suit No.1866 of 2017 before the Court of the Civil Judge, Junior Division, Pune. An application for temporary injunction was moved. By an order dated 26th April 2018 the civil Court rejected the said injunction application of the petitioner. The petitioner thereafter had moved the District Court by preferring Misc Civil Appeal no.204 of 2018. This appeal came to be rejected by an order dated 21.7.2018 passed by the learned District Judge, Against the said order passed by the learned District Judge, the petitioner had moved this Court in a civil writ petition bearing Stamp No.21674 of 2018.

4. In the above circumstances, it is difficult for us to entertain this petition. However, the petitioner is at liberty to pursue the remedies being already resorted to.

5. The petition is accordingly dismissed. No costs.

(G.S.KULKARNI, J)

ACTING CHIEF JUSTICE

Prashant
Vilas Rane

Digitally signed by
Prashant Vilas Rane
Date: 2018.10.04
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