

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 12601 OF 2017

Vijaykumar Devraj Mehta

.....Petitioner

V/s.

Pune Municipal Corporation through
its Municipal Commissioner and others

....Respondents

Mr. P. S. Dani, senior advocate a/w Mr. T. D. Deshmukh for the
petitioner.

Mr. A. P. Kulkarni for respondent nos. 1 to 5.

Mr. V. V. Salunke for respondent no. 7.

Mr. A. P. Vanarase AGP for respondent no. 11.

**CORAM : NARESH H. PATIL AND
NITIN W. SAMBRE, JJ.**

DATE : FEBRUARY 5, 2018.

P.C.

The learned counsel for the respondent no. 7 raised a preliminary
objection to the maintainability of the writ petition as Civil Suit is filed
by the petitioner consequent to the order passed by this Court in Writ
Petition No. 2736 of 2017.

2 The learned senior counsel appearing for the petitioner submits
that in view of the order passed by the Corporation, the petitioner has

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no other option but to approach this Court. He further submits that rest of the issues are already raised in the Civil Suit and the parties would contest the suit on merits.

3 We have heard the counsel appearing for the Corporation.

4 Without prejudice to the rights and contentions of the parties we direct the Corporation to hear the contesting parties and pass a brief reasoned order. It is clarified that all issues on merits are kept open. We have not expressed any opinion on the merits.

5 The City Engineer shall deal with two issues:

- (i) Stop work notice dated 13/12/2016.
- (ii) Order of lifting of stop work order dated 30/12/2016.

6 Writ petition stands disposed of.

[NITIN W. SAMBRE, J.]

[NARESH H. PATIL, J.]