

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO.121 OF 2014**

Aman Shanti Co-operative Housing Society
vs.
Mumbai Municipal Corporation of Greater
Mumbai and Ors.

..Petitioner

...Respondents

Mr. A. A. Mirza for the Petitioner.
Ms. Sonali Jadhav i/b Mr. Kamlesh Ghumre for the Respondent No.2.
Ms. Shilpa Gajre-Dhumal for the Respondent-BMC.
Mr. M. M. Vashi, Senior counsel and Ms. Aparna Devkar i/b M.P.Vashi &
Associates for the Respondent Nos.5 and 6.

**CORAM : A.S. OKA & P. N. DESHMUKH, JJ.
DATE : 23rd FEBRUARY, 2018**

P.C.:

. Heard the learned counsel for the Petitioner. The learned counsel for the Respondent No.1 submits that by the Judgment and order dated 15th October 2013 in Writ Petition No.216 of 2013, a direction was issued to demolish WCs/toilet blocks on the subject property. The judgment and order dated 15th October 2013 is a final order which granted 8 weeks time for demolition of WCs/toilet blocks. The only substantive prayer in this petition is the prayer clause (a) which reads thus:

“a) That writ of mandamus or any other writ or order and direction be issued ordering and directing the respondent Nos.1 to 4 as not to demolish W.C. Block and Urinal situate at CTS Nos.34/A, 34/1, 63, 63/1 to 2, 64, 64/1 to 2, Hanuman Tekdi, Ambedkar chawl, Goregaon Mulund Link Road, Goregaon (E), Mumbai-400 063, in pursuance of an order dated 15/10/2013 passed in Writ Petition No.216 of 2013, by this Hon'ble Court.”

2. The Petitioner has not challenged the order dated 15th October 2013 passed in Writ Petition No.216 of 2013. The said judgment and order is operative and is in force. Thus, the only relief claimed in this petition is

of a writ of mandamus seeking to restrain the Municipal Corporation from acting upon the order dater 15th October 2013 passed by a Division Bench of this Court which had attained finality and which is operative.

3. According to us, filing this writ petition is a gross abuse of process of law. Therefore, the Writ Petition is rejected.

(P.N. DESHMUKH, J)

(A.S. OKA, J.)