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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION NO.585 OF 2016

Nitesh Kothari

... Petitioner

Vs.

Mumbai Municipal Corporation and Ors. ... Respondents

Ms. Aditi Naikare I/by Mr. P.J. Thorat for the Petitioner.

Mr. A.Y. Sakhare, Senior Advocate a/w Ms. Kejali Mastakar for the Respondent – BMC.

**CORAM : A.S. OKA &
RIYAZ I. CHAGLA, JJ.**

DATE : 25th JUNE 2018

P.C.

1 Heard the learned counsel appearing for the petitioner and the learned senior counsel appearing for the Respondent Nos.1 and 2.

Clauses 1 and 2 of the order dated 5th February 2018 read thus :-

- “1. Perused the affidavit of Shri Sanjog Kabre, Assistant Commissioner P/North Ward dated 20th January 2018. It appears from the said affidavit that in fact site visit was made on 28th March 2016.
- 2 It is pointed out in the affidavit of Shri Dattatray Bhoje dated 20th December 2017 that due to ad-interim relief granted in City Civil Suit No.2425/2016 and 2406/2016, no further steps could be taken on the basis of notice under Section 354A of the Mumbai Municipal Corporation Act, 1888. Place the WP on 19th March 2018 under the caption of fresh admission.”

2 The learned senior counsel appearing for the first and second respondents states that ad-interim relief referred in the said order still continues to operate.

3 From the affidavit of Shri Sanjog Kabre, Assistant Commissioner, P/North ward, it is apparent that the Municipal Corporation has initiated action which could not be implemented in view of the ad-interim order. If the said ad-interim order is vacated, the Municipal Corporation is bound to take action in accordance with law. Therefore, as of today, writ as prayed for in terms of prayer clauses (a) and (b) cannot be allowed. Petition is disposed of.

(RIYAZ I. CHAGLA, J)

(A.S. OKA, J)