

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

WRIT PETITION NO. 1278 OF 2018

Bhupendra Damjibhai Tank and another. ... Petitioners.

V/s.

The Municipal Corporation of Greater
Mumbai and others. ... Respondents.

Mr.Hiren P. Mehta i/b. Satish L. Modi for the petitioners.

Ms.Kejali Mastakar for the respondent- MMC.

CORAM : A.S.OKA AND RIYAZ I. CHAGLA, JJ.

DATE : 23rd April 2018.

PC.:

Not on board. Taken up on board.

2. Heard the learned counsel appearing for the petitioners. He seeks permission to withdraw this petition with liberty to file a fresh petition.

3. Prayers (a) and (b) are completely misconceived which seek direction to issue a writ of mandamus against the Bombay City Civil Court to pass a particular order on the judicial side. Such prayers can never be granted by a Writ Court. The learned counsel appearing for the petitioners states that the petitioners want to seek writ of mandamus in

terms of prayer clause (d) of this petition and for that purpose, a liberty may be granted to file a fresh writ petition.

4. Accordingly we dispose of this petition by passing the following order:

The writ petition is disposed as withdrawn with liberty to the petitioners to file a fresh petition seeking relief in terms of prayer clause (d) against Mumbai Municipal Corporation. We, however, make it clear that we have not made any adjudication on the merits of prayer (d). All contentions of the parties are kept open.

(RIYAZ I. CHAGLA, J.)

(A.S.OKA, J.)