

psv

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

WRIT PETITION (L.) NO.2338 OF 2018

Sunil Pagare

...Petitioner

Vs.

The Municipal Corporation of
Greater Mumbai & Ors.

...Respondents

Ms.Veena Thadhani with Mr.Vishal Thadhani, Ms.Priyanka Raul and
Ms.Chaitali Gosavi for Petitioner.

Mr.Jokhim Reis, Senior Advocate, with Ms.Sheetal Mane for MCGM.

Mr.A.Y. Sakhare, Senior Advocate, with Mr.Suraj Iyer i/b. M/s.Ganesh &
Co. for Respondent Nos.2 to 14, 16 & 17.

**CORAM : NARESH H. PATIL, ACTING C.J. AND
G.S. KULKARNI, J.**

DATE : 21st AUGUST 2018

P.C.:

1. The petitioner seeks following directions:-

“(a) Rule be issued in the present Writ Petition;

(b) for a Writ of Mandamus or a Writ in the nature of
Mandamus or any other appropriate Writ, Order or
Direction of this Hon'ble Court, directing the 1st Respondent
to demolish the unauthorised construction put up by
Respondent Nos.2 to 19 forthwith.”

2. We have perused the order passed by Municipal Corporation of
Greater Mumbai dated 18th July 2018, which is a part of the affidavit in
reply given by Municipal Corporation through Shri. Roshan Naresh
Jibhakate, Designated Officer/Asst. Engineer (Building & Factory)-

Respondent No.1. It is submitted that a fresh suit has been filed by the respondents. There are total 16 suits filed which are pending before the Bombay City Civil Court. The learned Counsel appearing for the petitioner submits that the petitioner had filed caveat in the suit and would participate in the proceedings of the suit.

3. Mr.Sakhare, the learned Senior Advocate appearing for Respondent Nos.2 to 14, 16 & 17, submits that a fresh order has been passed in respect of the subject matter challenged in the suit.

4. Without expressing any opinion on merits of the case, we observe that the petitioner is entitled to participate in the proceedings of the suit. Any application for interim relief is pending in the files of City Civil Court would be attended to at the earliest on its own merits.

5. All contentions of the parties are kept open.

6. Writ petition stands disposed of accordingly.

7. Registry to forward a copy of the order to Bombay City Civil Court.

G.S. KULKARNI, J.

ACTING CHIEF JUSTICE