

Sharayu Khot.

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

WRIT PETITION (L) NO. 2540 OF 2018

**Ghanshyam Tower Co-op. Premises ...Petitioner
Society Ltd.**

Versus

**Municipal Corporation of Greater ...Respondents
Mumbai & Ors.**

Ms. Sumedha Rao, for the Petitioner.

Ms. K.H. Mastakar, for the Respondents-BMC.

**CORAM : ABHAY S. OKA AND
RIYAZ I. CHAGLA, JJ.**

DATE : 1 August 2018

ORDER :

1. Not on board. Taken on board.

2. Only substantive relief prayed for is in terms of prayer clause (a), which reads thus:-

“(a) The Hon'ble Court be pleased to issue a writ of mandamus and/or any other order, writ, or direction in the name of mandamus against Respondent No. 2 and 3 directing them to execute the notices issued by designated officer dated 14.01.2015, 04.04.2015, 20.01.2016, 01.04.2017 and 21.04.2017.”

3. There are two prayers for interim reliefs, prayer clauses (b) and (c) which read thus:-

“(b) Pending the hearing and final disposal of the Writ Petition, the Hon'ble Court be pleased to direct the Respondent No. 2 get order of status quo passed in the suit No. 1941/2015 filed in the City Civil Court, Dindoshi, vacated.

(c) Pending the hearing and final disposal of Writ Petition, the Hon'ble Court be pleased to direct the

Respondent No. 2 to carry out an enquiry against Advocates appearing in Suit No. 1941/2015 in City Civil Court, Dindoshi for not filing Writ Petition/reply and allowing the suit to be heard ex-parte.”

4. It is an admitted position that in view of the order of *status quo* passed by the City Civil Court that the notices and orders mentioned in prayer clause (a) cannot be implemented. The Petitioners have already applied for impleadment in the Suit in which the order of *status quo* has been passed. A Writ Court cannot issue a direction to any authority directing the authority to get a particular order passed by a Court of law vacated. Prayer (c) is for directing holding of an enquiry against the Advocate representing the Municipal Corporation. If any Advocate has committed misconduct, the jurisdiction lies with a different statutory authority. Hence, no reliefs can be granted in this Petition. The Writ Petition is disposed of.

[RIYAZ I. CHAGLA J.]

[ABHAY S. OKA, J.]