

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 4361 OF 2019

Mohammed Naseem KhanPetitioner
Versus
The Additional Collector & ors.Respondents

Ms. R. S. Dube, I/b Kumar & Associates, for the Petitioner.
Mr. D. A. Sakhalkar, for Respondent no.2.

CORAM: R. M. BORDE &
N. J. JAMADAR, JJ
DATED: 11th April, 2019

PC:-

1. On perusal of the order passed by the Collector, it is revealed that the Petitioner has approached the City Civil Court by presenting a Suit claiming the identical relief. The Petitioner/Plaintiff seeks a declaration that the sale agreement dated 6th January, 2005 and the Deed of Confirmation dated 4th August, 2007, in respect of suit premises obtained by Respondent nos.2 and 3 herein, (Defendant nos.1 and 2 in the suit) be declared as null and void and not binding on the Plaintiff. The Petitioner – Plaintiff also claims a direction to revoke the health licence issued in favour of the Respondents. The Petitioner is also praying for issuance of a direction to Respondent nos.2 and 3 herein, to hand over vacant and peaceful possession of the suit

premises. In view of the fact that the Petitioner has already availed of alternate remedy by presenting the suit to City Civil Court, Bombay, bearing Suit No.609 of 2017, the instant petition presented for the identical reliefs need not be entertained. It would be open for the Petitioner to prosecute the pending proceedings.

2. For the reasons as recorded above, the writ petition stands rejected. No costs.

[N. J. JAMADAR, J.]

[R. M. BORDE, J.]