

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

WRIT PETITION NO. 1091 OF 2015

M/s.Shaikh Constructions and Anr. }		Petitioners
versus		
The Municipal Corporation of Greater	}	
Mumbai and Ors.	}	Respondents

Mr.Omkar M. Kulkarni for the petitioners.

Ms.Rupali Adhate for the Municipal Corporation.

Mr.Ravi Girish Shinde with Mr.Gaurav H. Gangal i/b. Mr.N.A.Mogre for respondent nos. 5 to 7.

Mr.Sanjay Jain with Mr.Vishal Kanade and Mr.Vasim Shaikh i/b. M/s.Pravin Mehta and Mithi and Co. for respondent no.8.

**CORAM :- S. C. DHARMADHIKARI &
G. S. PATEL, JJ.**

DATED :- JUNE 3, 2019

P.C. :-

1. In para 3 of this petition, the petitioner states as under:-

“3. By present writ petition the Petitioners are challenging inaction, negligence, avoidance and refusal on the part of the Respondent nos.1 to 4 in earmarking and demarcating the layout separating the shares of the Petitioners and the Respondent nos. 5 and 6 in the property in question in the present writ petition as per the agreement and illegal and unlawful grant of sanction and approval of development in favour of the Respondent nos.

5 to 7 in respect of the portion of the land belonging to the petitioners.”

2. On a perusal of this para itself, it is clear that this is a dispute regarding right, title and interest in the immovable property. The remedy is not to approach this court and question the action of the Municipal Corporation, but to seek substantive relief by instituting a civil suit in a competent civil court. Once such a suit is instituted and appropriate reliefs are sought, necessarily the Municipal Corporation will have to abide by the same subject to the legal rights of the parties.

3. The writ petition is dismissed subject to the above.

(G.S.PATEL, J.)

(S.C.DHARMADHIKARI, J.)