

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

WRIT PETITION NO.1037 OF 2018

Ahmed Hamid Poonawala ... **Petitioner**

Vs

**The Municipal Commissioner, Municipal
Corporation of Gr.Bombay and Ors.** ... **Respondents**

Mr.P.M.Havnur a/w Mr.S.S.Kharat for the
Petitioner.

Mr.Ajit Kenjale a/w Ms.Vandana Mahadik
for Respondent Nos.1 to 4.

Mr.Sandeep Sharma for Respondent
Nos.5(i) to (iii).

**CORAM :- S. C. DHARMADHIKARI &
B.P.COLABAWALLA, JJ.**

DATE :- MARCH 27, 2019

P.C. :-

1. Having heard both sides and finding that though a notice is served, threatening the demolition, on the fifth respondent, he has, together with others, approached the competent civil court and that civil suit is pending with an application for ad-interim injunction, then, we cannot entertain this writ petition. Depending upon the outcome of that litigation, the Municipal Corporation will definitely proceed against the alleged wrong doers. The petitioner, if aggrieved and has a serious apprehension

that his right, title and interest in respect of his immovable property and his safety is under threat, can always approach the competent civil court so as to protect his own property and also voice his concern about his safety as well.

2. When this remedy is available, then, we do not think that we should entertain the writ petition. It is disposed of and by clarifying that we have not expressed any opinion on the rival contentions.

3. This order is passed in furtherance of the order dated 2nd July, 2018 of this Court.

(B.P.COLABAWALLA, J.)

(S.C.DHARMADHIKARI, J.)