

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

WRIT PETITION (LODGING) NO.3170 OF 2019

Trimbak Valmik Suranje	...Petitioner
Versus	
The State of Maharashtra and Anr.	...Respondents

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Mr. Pandit Kasar for the Petitioner.

Mr. Hemant Haryan, AGP for the Respondents- State.

**CORAM : A.A. SAYED AND
SMT. ANUJA PRABHUDESSAI, JJ.**

DATED: 20th NOVEMBER, 2019.

P.C.:-

1. By this Petition the Petitioner has sought the following relief :-

“(a) By an order of this Hon’ble Court, Writ of Mandamus or any other appropriate writ may be issued thereby directing the Respondents to carry out survey measurement of plot bearing survey no.53, Hissa no.1 (PT), C.T.S. No.159, situated at Village Kaneri, Taluka Borivali, MSD at Main Kasturba Road, Near Kasturba Police Station, Borivali (E), Mumbai 400 066 thereby making application dated 9/10/2019 (Exhibit F) filed by the Petitioner in the office of Ld. City Survey Officer, Borivali (W), Mumbai absolute.”

2. The Petitioner claims to be a tenant of shop No.2 bearing census No.C-2/A, admeasuring 85sq.ft. situated at Main

Kasturba Road, Near Kasturba Police Station, Near Railway Station, Borivali (E), Mumbai. The Petitioner has already filed a Suit in the City Civil Court, Bombay challenging the notice under Section 314 of the Mumbai Municipal Corporation Act for removal of the stall in question (described as shop in the present Petition) which was stated to be erected on the footpath/road. The City Civil Court prima facie found that the shop/stall in question was on the footpath and causing inconvenience to public at large. The Petitioner thus failed to obtain any ad-interim reliefs in the suit. The order declining him relief was carried in Appeal before this Court by filing an Appeal from Order, which was also came to be dismissed. The Petitioner has approached this Court thereafter by filing the present Petition. In our view, this is not a fit case to exercise the extra ordinary writ jurisdiction of this Court and grant the relief in the Petition.

3. The Petition is dismissed.

(ANUJA PRABHUDESSAI, J.)

(A.A. SAYED, J.)