

Pramod Ramsurat Mishra ... **Petitioner**

**The Municipal Corporation of
Greater Mumbai and Ors. ... Respondents**

Mr.Dilip Rai I/b Ajay K. Rao for
Respondent No.4.

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

DATE :- MARCH 27, 2019

P.C. :-

1. Having heard Mr.Mishra, we are of the firm opinion that this writ petition cannot be entertained.
2. The petitioner cannot claim to be a tenant in respect of an immovable property which is a building and since demolished and then urge that in place of the demolished building, an unauthorised construction is coming up. In the event, an unauthorised construction is coming up in the locality, then,

there is no question of arguing that the petitioner was tenant in respect of the premises, namely, building and the tenancy is subsisting and, therefore, he should be housed permanently in a legal and authorised construction and not in the unauthorised construction.

3. The remedy to assert this and claim appropriate relief on the strength of the right, title and interest in the erstwhile building and re-entry in a new building, can only be by way of institution of a suit in the competent court.

4. We are informed that the suit is already filed in the Civil Court. Let that Court deal with it. Surely, in a dispute like this and particularly on facts, we cannot entertain this writ petition. It is dismissed.

(B.P.COLABAWALLA, J.)

(S.C.DHARMADHIKARI, J.)