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

**WRIT PETITION (L) NO. 3802 OF 2019**

Ashok Sunderrao Kothare

...Petitioner.

vs

The Municipal Corporation of Gr. Mumbai & Ors.

...Respondents

.....

Mr. S.S.Lanke for the Petitioner

Mr. Anoop Patil and Ms. Sheetal Metkari for the Respondent/M.C.G.M.

.....

**CORAM : S. J. KATHAWALLA &  
B. P. COLABAWALLA, JJ.**

**DATED 3<sup>RD</sup> JANUARY , 2020.**

**P.C. :**

The above Writ Petition is filed by the Petitioner impugning the notices issued by the Municipal Corporation of Greater Mumbai and also the TAC Report dated 18<sup>th</sup> November, 2019 and the Structural Audit Report. The Petitioner has already filed a suit before the City Civil Court impugning the said notices. In fact after receipt of notice dated 18.11.2019 the Petitioner has taken out a Notice of Motion in the said suit and has sought injunctive reliefs against the Corporation. The Petitioner has also contended in the said suit that the Structural Audit Report relied upon by the Municipal Corporation as well as the TAC report are incorrect and cannot be relied upon. The City Civil Court has already considered the submissions of the Petitioner and has refused to grant any ad-interim reliefs by an order dated 23<sup>rd</sup> December, 2019. The Petitioner if aggrieved can file an A.O.

(Appeal from Order) in this Court. The Petitioner has not pursued that remedy and has filed the above Writ Petition and is making an attempt to make the same submissions which are already considered by the City Civil Court and rejected.

2           In view thereof, we do not feel it necessary to grant any relief to the Petitioner in the above Writ Petition. The Writ Petition is dismissed accordingly. The Petitioner is at liberty to file Appeal from Order qua the order passed by the City Civil Court dated 23<sup>rd</sup> December, 2019.

**(B. P. COLABAWALLA, J.)**

**( S. J. KATHAWALLA, J. )**