

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 6307 OF 2022**

Pritiben S. Patel

....Petitioner

Versus

Planning and Development Authority,
Daman and anr.

....Respondents

Mr. Neerav Merchant along with Mr. Hubab Sayyed and Mr. Nadeem Shama i/b. Thakordas and Madgavkar, Advocates for the Petitioner.
Mr. H. S. Venegaonkar along with Mr. Harsh Dedhia, Advocate for the Respondents.

**CORAM : PRASANNA B. VARALE &
SHRIKANT D. KULKARNI, JJ.**

DATE : 20th JUNE, 2022.

P.C. :

1. Considering the material placed on record as well as the prayers made in the petition, we are not inclined to entertain the petition. Perusal of the material placed on record clearly indicates that the order passed by respondent No.1 is the subject matter of civil suit before the competent Civil Court. The petitioner had already approached the competent Civil Court with an application for grant of ex-parte ad-interim injunction against the defendants and one of the defendant is respondent No.1 in the instant petition. A copy of the order dated 2nd April, 2022, passed by learned Civil Judge, Senior Division, Daman, is placed on record at page 89. By way of the said order, learned Civil Judge, Senior Division, Daman, issued show cause notice to the defendants. The prayer for ex-parte ad-interim injunction is rejected by assigning reasons

in paragraph 3 of the said order. The petition is filed for the following prayers, which are reproduced herein below :

- a. The impugned order of demolition dated 1st April, 2022 passed by the Respondent No.1 be quashed and set aside by appropriate directions and orders under Writ of Certiorari.
- b. The demolition done on 02.04.2022 & done till date be declared as illegal and contrary to law.
- c. Appropriate Directions be passed to the Respondent No.1 and the concerned officers of the Respondent No.1 to compensate the Petitioner to the tune of Rs.5,00,00,000/- (Rupees Five Crores Only) towards damages suffered due to illegal demolition.

In such situation, the present petition for aforesaid prayers, in our opinion, cannot be entertained by this Court. The petition is, accordingly, dismissed.

2. Needless to state that if the petitioner is before the competent Court, he may pursue that remedy which is already availed by the petitioner.

(SHRIKANT D. KULKARNI, J.)

(PRASANNA B. VARALE, J.)