

PSV

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 14053 OF 2022

Kumar Lachhmandas Gurnani
@ Kumar Lachhmandas Mandhyani

...Petitioner.

Vs.

Ulhasnagar Municipal Corporation & Ors.

...Respondents

Ms. Meelan Chandnani i/b. Jaiwant Chandnani & Associates for the
Petitioner.

Mrs. M.P. Thakur, AGP for State.

**CORAM : S.V. GANGAPURWALA &
ARIF S. DOCTOR, JJ.**

DATE : NOVEMBER 25, 2022.

P.C.:

1. The petitioner seeks directions against the Corporation to remove the board from the petitioner's property.

2. The learned counsel for the petitioner submits that since the year 2016 the petitioner is complaining with the Corporation about the illegal activities of respondent no.5. The respondent/Corporation is not taking cognizance of the complaint of the petitioner. The petitioner is the owner of the property. The conveyance is executed in favour of the petitioner. The petitioner has also filed a civil suit. The order of injunction operates in favour of the petitioner and against the respondent no.5 and still the respondent no.5 has proceeded further. The learned counsel submits that even an application under Order

XXXIX Rule 2A of the Code of Civil Procedure is filed against the defendants therein.

3. The petitioner has already availed the remedy before the Civil Court by filing Civil Suit bearing No.44 of 2016. The petitioner has an order of temporary injunction in his favour passed by the Civil Court on Exhibit 5 dated 26 February, 2016. Under the said order, the defendant no.1 therein (respondent no.5 herein) is restrained from continuing the construction of shop No.711 without the permission of defendant no.2 (respondent no.1 herein) till the disposal of the suit. In case the respondent no.5 herein has violated the order of injunction, the petitioner has a remedy before the Civil Court. The said remedy has also been availed by the petitioner. It is for the petitioner to prosecute the same.

4. As the dispute between the parties is already subjudice before the Civil Court, it would not be appropriate to pass any further order in the present writ petition.

5. Writ petition, as such, is disposed of. No costs.

(ARIF S. DOCTOR, J.)

(S.V. GANGAPURWALA, J.)