

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

WRIT PETITION NO. 2653 OF 2022

Laxmibai Maruti Desai Since Dec
Thr Legal Heirs & Ors Thr. Legal heirs
Jayesh Kanakraj Jain ...Petitioners

Versus
The Mira Bhayander Municipal Corporation
Mumbai ...Respondent

Adv. Shweta R. Rathod i/b. Elixir Legal Services for the Petitioners.

**CORAM : A. A. SAYED &
ABHAY AHUJA, JJ**

DATED : 10th MARCH, 2022

P.C.:

The Petition is filed seeking the following reliefs:

(a) That this Hon'ble Court be pleased to issue a writ of Mandamus and/or any other appropriate writ, order and/or direction to the Respondent No. 1 to cancel the Permission for development and/or order and/or direction to the authorities to correct the record in respect of the said property.

(b) That this Hon'ble Court be pleased to direct the Appropriate authorities to conduct the enquiry in respect of mutation Entries wherein the name of the Respondent No. 4 is recorded as the Holder of the Said property.

(c) That this Hon'ble Court may be pleased to pending the hearing and final disposal of this Application, this Hon'ble Court may be pleased to grant status quo to the illegal construction carrying out by the Respondent No. 4, 5 & 6.

(d) That this Hon'ble Court be pleased to order the appropriate authorities to record the names of the Petitioners as the Owner of the suit land.

(e) That this Hon'ble Court be pleased to order the Appropriate authorities to not to grant further construction Permission, further transfer in relation to the suit property.

(f) That this Hon'ble Court be pleased to grant the status quo to the effect of the various agreement executed by Respondent Nos. 4 to 6 in respect of the said property.

2. The Petitioners have raised issues of title. The nature of reliefs sought in the Petition cannot be granted in Writ Jurisdiction. Leaving the remedy of the Petitioners to file a suit open, we dismiss the Petition.

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NAIK

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(ABHAY AHUJA, J.)

(A. A. SAYED, J.)