

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

WRIT PETITION NO.1404 OF 2022

Melwyn B. Baptista

... Petitioner

Vs.

The State of Maharashtra & Ors.

... Respondents

Mr. Sushil Upadhyay i/by Mr. Ashok M. Saraogi for the Petitioner.

Mr. Amit Shastri, AGP for Respondent No.1-State.

Ms. Madhuri More for the Respondent-MCGM.

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

DATE : 12TH APRIL 2022

P.C. :

1. The Petitioner claims to be the owner of property bearing Survey No.155, CTS No.1275/1220/1218 at Andheri East, Mumbai 400 059. Despite the Petitioner having filed the Civil Suit, wherein the ad-interim reliefs were granted in favour of the Petitioner, the present Petition has filed by the present Petitioner in respect of the very subject matter.

2. Learned Counsel for the Petitioner states that despite the ad-interim reliefs granted by the Civil Court, Respondent No.3 has continued with the illegal construction.

3. If the Respondent No. 3 has continued with the illegal construction despite the ad-interim relief granted by the Civil Court, the remedy to the Petitioner is to approach the Civil Court only and not by filing the present Writ Petition. Hence, we dismiss the Writ Petition leaving the remedy of the Petitioner open.

(ABHAY AHUJA, J.)

(A.A. SAYED, J.)

Digitally
signed by
MUGDHA M
PARANJAPE
Date:
2022.04.19
18:41:00
+05'30