

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

WRIT PETITION NO.1414 OF 2021

Mohammed Sajid Mohammed

.. Petitioner

Vs.

The State of Maharashtra and Ors.

.. Respondents

Ms. Manini Desai, i/by Mr. Usman Menon, for the Petitioner.

Mr. S.B. Gore, AGP for Respondent No.1–State.

Mrs. Vandana Mahadik for Respondent Nos.2 to 4–MCGM.

Ms. Manisha Jagtap for Respondent No.5–MHADA.

**CORAM : SUNIL B. SHUKRE &
M.W. CHANDWANI, J.J.**

DATE : 9TH JANUARY, 2023.

P.C. :

1. The record pasted in the Roznama shows that respondent no.6–Landlord/ Developer has been served with the notice on 2nd March 2022; however, nobody has yet appeared for respondent no.6. Rule notice has now been served to respondent no.6, but he has not appeared before this court.

2. On going through the averments made in the petition, we find that in respect of the same subject matter, a Civil Suit is also pending before the City Civil Court, Mumbai. It is seen that this petition involves disputed questions of facts and as Civil Suit is already pending in respect of the same subject matter and so we relegate the petitioner to pursue his remedy before the City Civil Court, Mumbai. Accordingly, we dispose of this petition.

[M.W. CHANDWANI, J.]

[SUNIL B. SHUKRE, J.]