

Jvs.

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

PUBLIC INTEREST LITIGATION NO. 122 OF 2024

Mangesh Bhaskar Mhatre	}	Petitioner
Versus		
Navi Mumbai Municipal Corporation	}	
& Ors.	}	Respondents

Mr. Vinayak Gadekar with Ms. Jidnyasa P. Rankar for petitioner.

Mr. Tejesh Dande for respondents 1 to 3.

Mr. Rohit Sakhadeo (through VC) with Mr. Nitesh Rangari for respondents 4, 5 & 6.

**CORAM: DEVENDRA KUMAR UPADHYAYA, CJ. &
AMIT BORKAR, J.**

DATE: DECEMBER 14, 2024

P.C.:

- 1.** Heard learned counsel for the parties.
- 2.** This PIL petition seeks direction to the respondent authorities to challenge the temporary injunction orders passed against them in respect of certain notices said to have been issued under the Maharashtra Regional and Town Planning Act, 1966.
- 3.** It appears that certain notices were issued by the respective authorities seeking eviction of the encroachers from public land and the alleged encroachers appear to have instituted certain suits before the learned Trial Court where injunction orders have been passed.

4. As to whether such injunction orders are to be challenged by way of filing appeal or by taking any recourse available to the authorities under law is a matter to be decided by the State authorities. For such purpose, in our opinion, a writ of mandamus cannot be issued compelling a litigant to a lis to file appeal or avail any other appropriate legal action in case an injunction order in a suit has been passed.

5. The PIL petition is highly misconceived, which is hereby dismissed.

6. However, we may observe that notwithstanding dismissal of this PIL petition, it will always be open to the petitioner to take recourse to any other appropriate remedy available under law.

JAYANT
VISHWANATH
SALUNKE
Digitally signed
by JAYANT
VISHWANATH
SALUNKE
Date:
2024.12.14
16:50:20 +0530

(AMIT BORKAR, J.)

(CHIEF JUSTICE)