

Amol

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
INTERIM APPLICATION NO. 1544 OF 2024
IN
WRIT PETITION NO. 1509 OF 2023

Abdul Rahim Kachchi ...Applicant
In the matter between
Abdul Rahim Kachchi ...Petitioner
Versus
The Municipal Corporation for Greater ...Respondents
Mumbai & Anr

Mr S R Patel, for Petitioner.
Mr Rakesh Kumar, *i/b*, Legal Vision, for Respondent No. 2.
Ms K H Mastakar, for Respondent-BMC.

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CORAM **M.S. Sonak &
Kamal Khata, JJ.**
DATED: **1 October 2024**

PC:-

1. Heard learned Counsel for the parties.
2. This Petition seeks the following substantial reliefs:-

“(a) That Writ of an order and directions be passed against the Respondent No. 1 to take active participation in the matter and get expedited the hearing of the First Appeal by making proper Civil Application for vacating the ad-interim reliefs dated 30.07.2009.

(b) That requisite directions of this Hon'ble court be passed against the Respondent no.2 himself, his agents, servants, representatives, and any person on his behalf, found in the unauthorized work of constructions to demolish the same, as per the order of the respondent no. 1.”

3. Both the prayer clauses are quite misconceived. Prayer clause (b) cannot be pressed in a Writ Petition. If at all the Petitioners have any serious grievance about the activities of the 2nd Respondent it is for them to take out the appropriate proceedings before the appropriate forum.

4. Even though prayer clause (a) is misconceived, the learned Counsel for the Corporation, on instructions states that appropriate procedure shall be initiated for moving the matter before the appeal Court and seeking vacation of ad-interim order in First Appeal No. 1033 of 2009 within two weeks.

5. Based on the aforesaid, this Petition is disposed of.

6. We clarify that we have not examined the merits of the matter because we believe that those merits do not fall within our province in this Petition.

7. The Petition and the Interim Application are disposed of in above terms.

8. There shall be no order for costs

(Kamal Khata, J)

(M.S. Sonak, J)