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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
INTERIM APPLICATION NO.1690 OF 2024
IN
WRIT PETITION NO.1383 OF 2023

Vincent D Cruz ...Applicant

In the matter between

Vincent D Cruz ...Petitioner

Versus

The Municipal Corporation of Greater Mumbai ...Respondents
& Ors

Ms Meena Dhuri, i/b SK Sonawane, for the Respondent-BMC.

Mr Nushrat Shah, for Respondents Nos. 4 & 5.

Mr Rajkumar Linganna Jalana, Junior Engineer (B&F), K/West, is
present.

CORAM: M.S. Sonak &
Kamal Khata, JJ
DATED: 6th September 2024

PC:-

1. Writ Petition No. 1383 of 2023 was disposed of by order dated 26 June 2024 by directing the BMC to enforce its demolition

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notice dated 20/01/2023 within four weeks and file a compliance report.

2. Learned counsel for Respondents Nos. 4 and 5 points out that the said Respondents have now filed Civil Suit No. 1458 of 2024 before the City Civil Court and in such Suit, interim relief has been granted to the execution of BMC's notice dated 20/01/2023. If this be so, we cannot, during the pendency of this injunction order, insist any compliance report from the BMC.

3. Ms Dhuri for the BMC also states that a civil suit is indeed filed by 4th and 5th and even interim relief is obtained by the Court in the said Civil Suit.

4. Therefore, we dispose of this Interim Application by clarifying that the BMC must execute its demolition notice dated 20/01/2023 expeditiously provided no legal impediments of doing so or when the legal impediments are clear.

5. This Interim Application is disposed of in the above terms.

(Kamal Khata, J)

(M.S. Sonak, J)