

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 2174 OF 2024

Snehdeep Krida Mandal
through its Chairman & Ors.

... Petitioners.

V/s.

Maharashtra Housing and Area
Development Authority & Ors.

... Respondents.

Mr. Akshay Patil i/by Mr. Sameer K. Sawant for the Petitioners.

Mr. T.D. Deshmukh for Respondent No.1.

Mr. Chaitanya Chavan a/w Ms. S.V. Tondwalkar i/by Ms. Komal Punjabi for
Respondent No.2-BMC.

Mr. Mayur Khandeparkar a/w Mr. Tejas S. Mahamuni for Respondent No.3.

Mr. Vijaykumar Wagh, Asst. Engg. B&F, 'N' Ward, Mr. Aakash Wanjani, Jr.
Engg (B&F), 'N' Ward – present.

CORAM : A. S. GADKARI AND
KAMAL KHATA, JJ.

DATE : 28th February 2025.

PC:-

1) This is yet another unfortunate case wherein the Respondent No.3 by misusing the jurisdiction of City Civil Court, has filed Suit No. 0100478/2025. As usual, the Advocates appearing for BMC in City Civil Court did not oppose the grant of any relief and also failed to point out the decision of this Court in the case of *Abdul Razzaq Sunesra v/s. Municipal*

Corporation of Greater Mumbai & Ors., (2014) 1 Mah LJ 275, upholding the constitutional validity of Section 515-A which bars jurisdiction of the Civil Court for entertaining a suit challenging notices under Sections 351 and 354-A of the BMC Act.

2) We are not surprised by this situation, as it is a routine approach of the BMC before the Civil Courts. The intention of legislature in introducing Section 515-A has been discussed by the Division Bench of this Court in great detail in the said judgment of *Abdul Razzaq Sunesra* (supra).

3) We therefore call upon Advocate Mr. Rahul Rathod to furnish his explanation to this Court as to whether on the very first date of hearing i.e. on 24th February 2025 he pointed out the said decision to the learned Judge of the City Civil Court with a request not to grant any relief in favour of the Plaintiffs therein and if not why not.

4) The Advocate Mr. Rahul Rathod is directed to submit his response to this notice on or before 6th March, 2025.

5) The Prothonotary and Senior Master, High Court, Mumbai is directed to call for the original record of Suit No.0100478/2025 from the registry of the City Civil Court, Mumbai, on or before 6th March, 2025.

6) The Registrar, City Civil Court is directed to send the said record strictly in adherence to the provisions of Civil Manual.

7) Mr. Chaitanya Chavan appearing in the present Petition is directed to communicate this Order to Advocate Mr. Rahul Rathod to enable

him to submit his response to the notice.

8) Stand over to 7th March, 2025.

(KAMAL KHATA, J.)

(A.S. GADKARI, J.)