

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

WRIT PETITION NO. 1629 OF 2005

M/s. Crescent Builders ... Petitioners

Versus

The Mumbai Mun. Corpn. and Ors. Respondents

Mr. Milind Vasudeo with Mr. S.A. Sawant and Mr.
H.V. Kode for Petitioner.

Mrs. S. Ajitkumar for R. No. 1 to 4.

Mr. R.S. Desai for R. No. 5.

CORAM : F.I. REBELLO &
DR.D.Y.CHANDRACHUD,JJ.

DATED : JANUARY 31, 2006

P.C.

. The Petitioner claims right based on the agreement dated 16.7.1998 entered into between the Joint Municipal Commissioner, Petitioner and the Janata Nagar Cooperative Housing Society Ltd. The plot has been allotted to Respondent NO. 5 by Respondent No. 1. Considering that and at the highest, what the Petitioner is claiming is a right for removal of the structures constructed by them, it will be open to the Petitioner to seek appropriate civil remedy which they may have in any competent forum.

. This would not be a fit case for this court to exercise its extra ordinary jurisdiction. The dispute is a pure civil dispute based on a contract. Damages is alway an answer. In the light of that no inference is called for. Petition rejected. All interim orders stand vacated.

. The counsel for the Petitioner seeks stay of this order. We do not think this to be a fit case where the order of status quo should continue. Hence, rejected.

(F.I. REBELLO,J.)

(DR. D.Y. CHANDRACHUD,J.)