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

CIVIL APPLICATION NO.646 OF 2015

IN

WRIT PETITION NO.6595 OF 2006

Pimpri Chinchwad Municipal Corporation & Anr.	..Applicants
<u>In the matter between</u>	
Mohan Pandurang Kalate & Anr.	..Petitioners
-Versus-	
The State of Maharashtra & Ors.	..Respondents

.....
Mr.N. V. Walawalkar, Senior Advocate, i/b. Deepak R. More for the Applicants.

Mr. Satyajeet Rajeshirke i/b. Sandeep S. Salunkhe for the Petitioner.

R. P. Hake i/b. S. P. Kadam for the Respondent No.4.

Mr. V. S. Gokhale, AGP, for the Respondent-State.

.....

CORAM: A. S. OKA

AND

A. P. BHANGALE, JJ.

DATE :- 19th MARCH, 2015.

PC.:

Heard the learned Senior Counsel appearing for the Pimpri Chinchwad Municipal Corporation, which is the 2nd Respondent in the Writ Petition. The first prayer is that this Court should take into consideration the Resolution at Exhibit A to the Civil Application. The said Resolution is of 4th July, 2009. The second prayer is for vacating the interim relief granted on 23rd March, 2007 and the third relief is of fixing an early date of hearing of the Writ Petition.

2] The order of interim relief was passed by this Court on 23rd March,

2007 after hearing the Applicant-Municipal Corporation. A Civil Application being Civil Application No.548/2009 was made by some parties for vacating the order of interim relief. By order dated 2nd September, 2009 this Court vacated the interim relief only to the extent of area of 2500 sq. meters out of the survey No.276/2 of village Wakad, Taluka Mulshi, District Pune. This order was challenged before the Apex Court in Special Leave Petition No.24433/2009. By order dated 6th February, 2012 the Apex Court continued the interim stay dated 6th January, 2010 granted by it and directed this Court to dispose of the Writ Petition within a period of one year.

3] The interim relief is sought to be vacated on the basis of the Resolution dated 4th July, 2009. The Applicants could have always relied upon the said Resolution when Applicants in Civil Application No.548 of 2009 applied for vacating the interim relief. Therefore, no case is made out for vacating the interim relief on the basis of Resolution dated 4th July, 2009. Considering the direction issued by the Apex Court, we direct that the Writ Petition shall be listed on daily board of 6th April, 2015 for final hearing. Petition to be shown at 3.00 p.m. The Civil Application is accordingly disposed of.

(A. P. BHANGALE,J.)

(A. S. OKA, J.)