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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (L) NO.542 OF 2015

Dhrukumar M. Pancholi ..Petitioner.

V/s.

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

WRIT PETITION (L) NO.531 OF 2015

Ravi Devraj Arora ..Petitioner.

V/s.

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

WRIT PETITION (L) NO.533 OF 2015

Babu Shetty ..Petitioner.

V/s.

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

WRIT PETITION (L) NO.534 OF 2015

Ilesh Thakker ..Petitioner.

V/s.

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

WRIT PETITION (L) NO.535 OF 2015

WITH

WRIT PETITION (L) NO.537 OF 2015

Dr.Kamlakar D. Chiddarwar ..Petitioner.

V/s.

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

WRIT PETITION (L) NO.536 OF 2015

Parag Rajendra Vohra ..Petitioner.

V/s.

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

WRIT PETITION (L) NO.538 OF 2015

Kiran Shridhar Joshi ..Petitioner.

V/s.

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

WRIT PETITION (L) NO.540 OF 2015

Vilas M. Tambat
V/s.

..Petitioner.

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

WRIT PETITION (L) NO.541 OF 2015

Prasad Babu Shetty
V/s.

..Petitioner.

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

Mr.K.T. Babu i/b. S.P. Borhade for the petitioner in all the petitions.
Ms.K.R.Punjabi for the respondent – BMC.

**CORAM : A.S.OKA AND
A.K. MENON, JJ.**

DATED : 27TH FEBRUARY, 2015

P.C. :-

1. Not on board. Taken on board.
2. In all these petitions, the challenge is to the communication issued by the Bombay Municipal Corporation by which the proposals / applications submitted by the petitioners under section 44 of the Maharashtra Regional and Town Planning Act, 1966 (for short 'the MRTP Act') have been rejected. A remedy of appeal under section 47 of the MRTP Act is available to the petitioners. The learned counsel appearing for the petitioners submitted that the applications could not have been rejected in view of the deeming provision under which permissions were deemed to have been granted. Even this issue can be agitated by the petitioners in the statutory appeal.

3. In view of the availability of the statutory remedy, we decline to entertain these petitions. It is pointed out that as far as the structure which is the subject matter of Writ Petition (L) No.531 of 2015 is concerned, the same has already been removed.

4. To enable the petitioners in other petitions to prefer an appeal and to pray for appropriate interim relief therein, we direct that ad-interim relief granted on 13th February, 2015 (except in Writ Petition (L) No.531 of 2015) shall continue to operate for a period of four weeks from today. We make it clear that if a prayer for interim relief is made by the concerned petitioners, it will be decided by the Appellate Authority without being influenced by a limited protection granted by this Court. All contentions of the parties on merits of the appeals are kept open.

5. The petitions are disposed of in the above terms

6. All parties to act upon an authenticated copy of this order.

(A.K.MENON, J.)

(A.S.OKA, J.)