

Anand

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION NO.1260 OF 2015

Siddhi Gundavali Co-op. Housing .Petitioner
Society (Proposed)

v/s.

The State of Maharashtra & ors .Respondents

WITH

NOTICE OF MOTION (L) NO.342 OF 2015

IN

WRIT PETITION NO.1260 OF 2015

Kruti Samiti Vikas Co-op. Hsg. .Applicant
Society (Proposed)

In the matter between

Siddhi Gundavali Co-op. Housing .Petitioner
Society (Proposed)

v/s.

The State of Maharashtra & ors .Respondents

Mr.Sakhalkar a/w. Mr.O.K.Shaikh i/b.
Mr.J.H.Mishra, Advocate, for the Petitioner
Mr.D.S.Patil, Advocate, for the Applicant
Mr.U.S.Upadhyay, AGP, for the Respondent – State
Mr.Nikhil Chavan i/b. Mr.Vijay Patil, Advocate,
for the Respondent No.5

CORAM : A.A.SAYED, J.

DATE : 15.06.2015

P.C.

. Learned counsel for the petitioner and learned counsel for the applicant in NMS(L) No.342 of 2015 are agreed to the following order being passed:

(i) The impugned order dated 28.05.2015 of the Minister staying the survey is set aside.

(ii) The respondent No.3 – City Survey Officer shall issue notice to the intervener – society prior to carrying out the survey so far as it relates to the demarcation of the subject 'land'. The demarcation so far as the subject 'land' is concerned would be made after considering the reply filed by the intervener – society. The reply to the notice shall be filed by the intervener – society within one week of the receipt of notice from the city survey officer.

(iii) In the meantime, so far as the survey of the 'structures' on the subject land is concerned, the same may be continued.

(iv) In the event, the city survey officer proposes to demarcate the subject land after considering the reply filed by the intervener – society, a prior notice of 14 days would be given to the intervener – society.

2. The Writ Petition and the Notice of Motion to stand disposed of in the aforesaid terms.

(A.A.SAYED, J.)