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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.2526 OF 2013

Deve Paints ..Petitioner.
V/s.
Municipal Corporation of Greater Mumbai and Anr. ..Respondents.
Mr.Rohaam Cama i/b. Amardev J. Uniyal for the petitioner.
Mr.Vinod Mahadik for respondent Nos. 1 and 2.

**CORAM : A.S.OKA AND
V.L.ACHLIYA, JJ.**

DATED : 13TH OCTOBER, 2015

P.C. :-

1. An efficacious remedy under sub-section (2) of Section 56 of the Maharashtra Regional and Town Planning Act, 1966 (for short 'the said Act') is available to the petitioner to challenge the impugned notice dated 24th May, 2013.
2. No further steps have been admittedly taken on the basis of the impugned notice. We, therefore, propose to grant a limited protection to the petitioner to enable it to move the appellate authority for appropriate relief.
3. Accordingly, we pass the following order:-

- (i) The petition is disposed of by granting liberty to the petitioner to take recourse to a remedy under sub-section (2) of section 56 of the MRTTP Act;
- (ii) To enable the petitioner to move the appropriate appellate authority for appropriate relief, we direct that no action shall be taken on the basis of the impugned notice dated 24th May, 2013 for a period of 6 weeks from today;
- (iii) The appellate authority is bound to note that the present writ petition was filed in this Court on 21st October, 2013 and that the same remained pending till today;
- (iv) All concerned to act upon an authenticated copy of this order;
- (v) It is obvious that it will be open to the petitioner to apply for appropriate interim relief before the appellate authority.

(V.L.ACHLIYA, J.)

(A.S.OKA. J.)