

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION NO.334 OF 2013
IN
WRIT PETITION NO.1850 OF 2011

Bharat Jashwantlal Shah and Others. .. Applicants

In the matter of :

Bharat Jashwantlal Shah and Others. .. Petitioners

Vs

Municipal Corporation of Greater
Mumbai and Others.

.. Respondents

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Shri Rajiv Narula i/by Jhangiani Narula & Associates for the Applicants.
Shri S.U.Kamdar, Senior Counsel along with Shri J.J. Xavier and Ms
Trupti Punjabi for the Respondent Nos.1 to 4.

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CORAM : A.S. OKA & A.PBHANGALE, JJ
DATED : 27TH MARCH 2015

PC.

. Heard learned counsel appearing for the Applicants who are the Writ Petitioners and the learned Senior Counsel appearing for the first to fourth Respondents.

2. The learned counsel appearing for the Applicants on instructions states that the following part of the prayer clause (a) may be permitted to be deleted.

“without taking into account any Reservation for
Municipal School”

3. Thus, after deleting the aforesaid portion, the remaining part of the prayer clause (a) will have to be considered.

4. It is obvious that if the Applicants make an Application for grant of Development Permission in accordance with the Maharashtra Regional and Town Planning Act, 1966 read with the Bombay Municipal Corporation Act, 1888 and the Development Control Regulations for the City of Mumbai, the First Respondent -Mumbai Municipal Corporation is under an obligation to consider it in accordance with law.

5. We, therefore, dispose of the Notice of Motion by directing the First Respondent Mumbai Municipal Corporation to accept the Application for Development Permission, if made by the Applicant, and to decide the same as expeditiously as possible and preferably within a period of two months from the date of making such Application. Notice of Motion is disposed of accordingly. Amendment to prayer clause (a) be carried out within a period of three weeks from today.

(A.PBHANGALE, J)

(A.S. OKA, J)