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

WRIT PETITION NO. 14133 OF 2016

Ms/. Kesar Reality, through its
Partner Shri Narendra Mana Patel & Ors. ...Petitioners
Vs.
The Urban Development Department & Ors. ...Respondents

Mr. S.A. Sawant for the Petitioners
Ms. R.A. Salunkhe, AGP for the State
Mr. S.V. Marne for the Corporation

**CORAM : NARESH H. PATIL &
M.S. KARNIK, JJ.
DATED : 23RD DECEMBER, 2016**

P.C. :

The Petitioner filed a Regular Civil Suit No. 364 of 2015 against the CIDCO. The suit is still pending. The suit is filed in respect of subject structure. Irrespective of the cause of action as prevailing, then, in case the Petitioner still feels aggrieved by any action, order, notice issued by statutory Corporation like CIDCO or the Municipal Corporation Navi Mumbai then they may move appropriate Civil Court. Learned AGP has placed on record a copy of communication stating therein that the Appeal under Section 47 of the Maharashtra Regional Town Planning Act, 1966 is not

maintainable.

2. Corporation to maintain status-quo till 9th January, 2017 regarding subject structure.

3. We do not express any opinion on the merits of the matter.

The Petition is disposed of accordingly.

(M.S. KARNIK, J.)

(NARESH H. PATIL, J.)