

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

WRIT PETITION NO. 847 OF 2013

M/s. Sion Kamgar Co-operative Housing
Society Ltd.,

... Petitioner.

V/s.

Municipal Corporation of Gr. Mumbai & Anr. ... Respondents.

Mr. Harish R. Pawar, Advocate for the Petitioner.

Mr. A.Y. Sakhare, Senior Advocate a/w. Mrs. Shobna
Ajitkumar, Advocate for the Respondent No.1 - BMC.

Mr. Suraj Iyer i/by Ganesh & Co. for Respondent No. 2.

**CORAM : A.S.OKA & C.V.BHADANG,JJ.
DATE : 18th JANUARY, 2016.**

P.C. :

1 Learned senior counsel appearing for Respondent No.1 has placed on record the order dated 11th December, 2015 passed by the Hon'ble Minister of State, Urban Development Department of the State Government, in an appeal preferred by the second Respondent. It appears from the said order that the application for regularization will be reconsidered by the first Respondent Municipal Corporation after giving an opportunity of being heard to the second Respondent.

2 Learned counsel appearing for the Petitioner has some grievance about the manner in which the appeal has been

disposed of. However, the said grievance cannot be gone into in this petition. If the Petitioner is aggrieved by the said order, it is for him to adopt appropriate remedy. In view of the order of the State Government, relief which is prayed for in this petition cannot be granted.

3 Accordingly, we pass the following order :

ORDER

- i. We direct the first Respondent to act upon the order dated 11th December, 2015 passed by the State Government and to decide the proposal of the second Respondent as expeditiously as possible and preferably within a period of three months from today;
- ii. Needless to state that the Petitioner shall be granted an opportunity of being heard by the first Respondent Municipal Corporation on the proposal submitted by the second Respondent;
- iii. All contentions on merits are kept open.
- iv. Writ Petition is accordingly disposed of.

(C.V. BHADANG,J.)

(A.S. OKA, J.)

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