

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION LODGING NO. 1597 OF 2016**

M/s. Viraj Properties	Petitioner
versus	
Municipal Corporation of Greater Mumbai	...Respondent

Mr. R. S. Apte, senior counsel along with Ms. Shirin Shaikh i/b. Mr. Raval Shah, advocate for the petitioner.
Mrs. Shobha Ajitkumar, advocate for the Municipal Corporation of Greater Mumbai.

**CORAM : RANJIT MORE &
ANUJA PRABHUDESSAI, JJ.**

DATE : 23rd SEPTEMBER, 2016.

P. C. :

Heard Mr. Apte, learned senior counsel for the petitioner and Mrs. Ajitkumar, learned counsel for the Corporation.

2. By this petition, the petitioner is challenging the notice dated 1st July, 2016 and order dated 22nd June, 2016 both issued under Section 55 of the Maharashtra Regional and Town Planning Act, 1966 (for short "the MRTP Act").

3. Mr. Apte submitted that before passing the order, no opportunity of hearing was given to the petitioner. He also submitted

that the offending structure is temporary in nature and it was erected to prevent encroachment on the property in question. Mr. Apte submitted that though he has applied for development of the property in question, the Corporation as of today has not granted IOD. He submits that the IOD is likely to be issued within a period of four weeks from today.

4. Learned counsel for the Corporation submitted that as of today there is no permission to erect the subject structure nor there is an IOD in favour of the petitioner. In the light of the above, we are not inclined to interfere with the petition. However, in the interests of the justice coupled with the fact that the petitioner has already applied for IOD, we direct the Municipal Corporation not to act upon the impugned notice and impugned order for a limited period of six weeks from today.

5. Subject to above, the petition is disposed of.

(ANUJA PRABHUDESSAI, J.)

[RANJIT MORE, J.]