

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

WRIT PETITION NO.2691 OF 2015

Dhobi Audhyogik Vikas Co.op. Soc. Ltd.(Reg.) ..Petitioners.

vs.

The State of Maharashtra and ors. ...Respondents.

Mr.Amogh Kavandekar wity Ms.Y.M. Sabir i/by Little & Co. for the
Petitioners.

Mr.Anurag Gokhale, A.G.P. for Respondent No.1.

Mr.H.G.Reddy for Respondent No.3.

Mr. Jayesh Vyas for Respondent No.4.

Mr.Chirag Balsara with Sheetal Agne and Ms. Asha Nair i/by
Diamondwala & Co. for Respondent No.5.

CORAM: A.S.GADKARI &
M.S.KARNIK, JJ.
(VACATION BENCH)

DATE : 19th May, 2016

P.C.

The learned counsel appearing for respondent No.3 at the outset raised a preliminary objection stating that there is a substantive alternate remedy available to the petitioners i.e. an appeal before the High Power Committee and without availing the said remedy they have directly approached this Court under Articles 226 and 227 of the Constitution of India. In view of the parameters and guidelines laid down by the Supreme Court in the case of Shalini S. Shetty vs. Rajendra S. Patil reported in (2010) 8 SCC 329 and in particular, Clause (c) of Para 49 of the said Judgment, the present petition is not maintainable. The said view has been further affirmed by the larger Bench of the Supreme Court in the case

Radhey Shyam and another vs. Chhabi Nath and others reported in (2015) 5 SCC 423. In view of the above, the learned counsel for the petitioners seeks leave to withdraw the petition with liberty to file appeal before the High Power Committee.

Leave and liberty granted.

Petition is disposed off as withdrawn.

2) The learned counsel for the petitioners on instructions submitted that the petitioners would prefer an appeal before the High Power Committee within a period of one week from today and will also prefer an application for interim relief in the said appeal. The said statement is accepted.

The High Power Committee is hereby directed to decide the interim application if filed by the petitioner within a period of two weeks thereafter and inform the petitioners about the order accordingly.

For a period of three weeks from today, the respondent Nos. 4 and 5 are hereby directed to maintain Status quo as of today in respect of the redevelopment work of the Dhobi Ghat pertaining to dry area as has been mentioned in Para-8, at Page 12 of the Petition.

3) All the concerned to act on a copy of this order duly authenticated by the registry of this Court.

(M.S. KARNIK, J.)

(A.S. GADKARI, J.)