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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION NO. 459 OF 2016
IN
WRIT PETITION NO. 2237 OF 2016

M/s. Viraj Properties

.. Applicant

In the matter between

M/s. Viraj Properties

.. Petitioner

Vs.

Municipal Corporation of Greater Mumbai

.. Respondent

Ms. Shirin Shaikh i/by Raval Shah and Co. for applicant/Org. Petitioner.
Mrs. Vandana Mahadik for BMC.

CORAM: NARESH H. PATIL &
M. S. KARNIK, JJ.

DECEMBER 14, 2016.

P.C.

1. By order dated 23/9/2016, Writ Petition No. 2337 of 2016 came to be disposed of. Para 4 of the said order, reads as under:

“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.”

2. Learned counsel appearing for the applicant/petitioner submits that the said application for IOD is still in progress, which was made on-line.

3. Learned counsel appearing for the Corporation, on instructions, submits that by an on-line remark dated 16/11/2016, said application was already rejected.

4. Without entering into the controversy, we direct the Corporation to look into the application of the petitioner for IOD, which according to the counsel is available on website. The application is still in progress. The said application shall be looked into again by the Corporation and appropriate decision be taken and same be intimated to the applicant/petitioner within four weeks, on its own merits.

5. Without expressing any opinion on the merits of the matter, Notice of Motion stands disposed of. Ad-interim protection granted earlier to continue for a period of four weeks only.

(M. S. KARNIK, J.)

(NARESH H. PATIL, J.)