

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 116 OF 2013
WITH
CIVIL APPLICATION NO. 91 OF 2016
WITH
CIVIL APPLICATION NO. 44 OF 2016
IN
PUBLIC INTEREST LITIGATION NO. 132 OF 2011

Hotel Tunga Regency Pvt. Ltd. .. Applicant

IN THE MATTER OF:

Shri Sandeep Sharadchandra Thakur .. Petitioner

V/s

Navi Municipal Corporation & Ors. .. Respondents

Mr. P.S. Dani, Senior Advocate with Mr. Kailsa Dewal and Mr. J.M. Joshi for the applicant in CAI Nos. 116/2013 and 91/2016.

Mr. Sandeep Thakur, the petitioner in person.

Mr. A.V. Anturkar, Senior Advocate with Mr. A.A. Garge for Navi Mumbai Municipal Corporation.

Mr. G.S. Hegde with Mr. Sarthak Diwan i/b Mr. A.M. Kulkarni for respondent no.2.

**CORAM: DR. MANJULA CHELLUR, CJ. &
N.M. JAMDAR, J.**

DATE : 19th SEPTEMBER 2017

P.C.:

Affidavit of Mr. Momin, Assistant Director, Town Planning, Navi Mumbai Municipal Corporation is placed on record.

2. These civil applications are filed in the PIL filed by the petitioner – Sandeep Sharadchandra Thakur as *pro bono publico*.

3. The main complaint is that in terms of order dated 20th March 2013, the proceedings initiated by Navi Mumbai Municipal Corporation have to be taken to its logical end. Apparently subsequent to the order passed by this Court, Assistant Director of Town Planning, Navi Mumbai passed an order on 21st February 2014 on the subject matter. However, the Commissioner, Navi Mumbai Municipal Corporation is not agreeing with the observations made in para 4 of the order made by the Assistant Director of Town Planning. Therefore, in this regard, they have already addressed a letter to the Principal Secretary (1), Urban Development Department, Mantralaya, Mumbai. Apart from that, the Municipal Commissioner concerned proposing to take further course of action against the applicant - Hotel Tunga Regency Pvt. Ltd. pursuant to the order dated 20th February 2013. It is needless to say that such course of action must be at least adhering to the procedure contemplated without being influenced or persuaded by the observations of Assistant Director of Town Planning.

4. Mr. Hegde, learned counsel for CIDCO, submits that so far as Plot No. 36-B, the license is cancelled and even the possession of the property is taken over by CIDCO. The party

respondent no.4 - Hotel Tunga Regency Pvt. Ltd. is categorically denying handing over possession of the property. We are not expressing any opinion so far as the possession of the property.

5. We are of the opinion that in the light of the above factual situation, nothing else remains for us to consider except opining that all contentions are kept open so far as the proceedings before the Assistant Director of Town Planning, Navi Mumbai and the proposed action of the Navi Mumbai Municipal Corporation so also CIDCO.

6. With these observations, nothing remains to be decided. Hence, the PIL and the civil applications are disposed of.

(N.M. JAMDAR, J.)

CHIEF JUSTICE