

*IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION*

WRIT PETITION NO.7087 OF 2015

Shapoor Fardun Irani & Ors.

.. Petitioners

Vs

State of Maharashtra & Ors.

.. Respondents

...

Mr. Sidheshwar N. Biradar for the Petitioners.

Ms. N. M. Mehra, AGP for the Respondent No.1.

Mr. Parag V. Dube for the Respondent No. 4.

***CORAM : A. S. OKA &
SMT. VIBHA KANKANWADI, JJ.***

DATE : 05/07/2017.

P.C. :

1] Heard the learned counsel appearing for the Petitioners. The office remarks show that the notice has been served to 2nd and 3rd Respondents. The learned AGP represents the 1st Respondent. The learned counsel appearing for 4th Respondent submits that the application dated 8th December 2011 made by the Petitioners will have to be decided by the 2nd Respondent-Municipal Corporation, as it is the said Corporation which can consider the question of granting compensation and/or TDR/DRC.

2] Though notice is served, none appears for the 2nd Respondent. The learned counsel appearing for Petitioners on instructions states that the application made by the Petitioners on 8th December, 2011 (Exh. F to the petition), has not been decided till today.

We accept the said statement. Hence, we dispose of the petition by passing the following order:-

ORDER

- a) We direct the Petitioners to produce an authenticated copy of this order in the office of the Commissioner of the Municipal Corporation of City of Pune;
- b) We direct the petitioner to produce true copies of applications dated 8th December 2011 and 3rd November 2014 along with an authenticated copy of this order;
- c) The said Municipal Corporation shall decide the said applications as expeditiously as possible and in any event, within a period of three months from the date on which authenticated copy of this judgment and order is produced in the office of the Municipal commissioner.
- d) We make it clear that we have made no adjudication on the issue of entitlement of the petitioners to receive compensation and/ or TDR/FSI and all contentions of the parties in that behalf are kept open.
- e) All concerned to act on an authenticated copy of this order.

(SMT. VIBHA KANKANWADI, J.)

(A. S. OKA, J.)