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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.128 OF 2017
IN
PUBLIC INTEREST LITIGATION NO.119 OF 2017**

Agile Real Estate Pvt. Ltd.	... Applicant
<u>In the matter between</u>	
Rohit Manohar Joshi	... Petitioner
Vs.	
Tree Authority, thane and Ors.	... Respondents

Ms. Gayatri Singh, Senior Advocate a/w Mr. Ankit Kulkarni i/by Mr. Kranti L.C. for the Petitioner.

Mr. Ravi Kadam, Senior Advocate a/w Mr. Saket Mone, Mr. Subit Chakrabarti, Mr. Vishesh Kalra, Mr. Suneet Tyagi, Ms. Jayashree R. and Mr. Vicky Pohuja i/by Vidhi Partners for the Applicant in CAI/128 of 2017.

Mr. R.S. Apte, Senior Advocate i/by Mr. J.G. Reddy (Aradwad) for Respondent Nos.1 to 3.

Mr. Manish M. Pabale, AGP for the Respondent No.4 – State.

**CORAM : A.S. OKA &
M.S. SONAK, JJ.**

DATE : 19th DECEMBER, 2017

PC.

1 Heard the learned Senior Counsel for the applicant. The applicant is one of the beneficiaries of the decisions taken in the meeting of the Tree Authority on 17th October, 2017. Therefore,

applicant becomes a proper party. Accordingly, application is allowed in terms of prayer clauses (a) and (b). Amendment to the PIL to be carried out by the petitioner within a period of one week from the date on which this order is uploaded.

2 The learned Senior Counsel appearing for the applicant prays that the second respondent be directed to refund the amounts paid by the applicant and that the applicant will take the refund subject to final outcome of the main Petition.

3 In view of this request, we direct the second respondent - Municipal Corporation in Civil Application to refund the amounts disclosed in clause (f) of of paragraph 6 of this application on production of original receipts of payment. All concerned to act upon an authenticated copy of this order.

(M.S. SONAK, J)

(A.S. OKA, J)