

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

WRIT PETITION NO.1228 OF 2016

Pandurang Bhikaji Pawar ... Petitioner.

Versus

The Municipal Corporation
of Greater Mumbai & Ors. ... Respondents.

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Mr. Milind Sathe, Senior Counsel a/w Mr. Chirag Shah i/b. Mr. J.J. Shah for the Petitioner.

Mr. A.Y. Sahare, Senior Counsel a/w Mr. Joel Carlos, Pallavit Thakar and Ms. Shital Mane for MCGM

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***CORAM : Smt.Vasanti A Naik &
Riyaz I. Chagla, JJ.***

DATE : 10th October, 2017.

P.C. :

The learned counsel fairly states that the issue involved in this writ petition was also involved in writ petition no.323/2016 and this Court has, by the order dated 03.07.2017, rejected the writ petition after holding that a direction cannot be issued against the Municipal Corporation to deal with the proposal submitted by the petitioners therein on the basis of the policy that was existing prior to 14.03.2016. It is stated that the petitioners in the said case were however granted liberty to apply for grant of permission to re-develop the municipal market in terms of Regulation no.33(21). It is submitted that the application was directed to be decided in a time bound manner . The learned counsel seeks similar order in this case, on parity.

Since the prayers made in writ petition no.323/2016, were rejected and the petitioners therein were only permitted to apply for grant of permission to re-develop the municipal market in terms of Regulation No.33(21), it would be necessary to reject this petition and grant permission to the petitioner to apply in terms of Regulation no.33(21) for redevelopment of the municipal market.

Hence, for the reasons recorded in the order dated 03.07.2017, in writ petition no.323/2016, the prayers made in the present petition are rejected. However, the petitioner is granted liberty to apply for grant of permission to re-develop the municipal market in terms of Regulation no.33(21). If an application is so made, the same should be decided as early as possible in accordance with law. No order as to costs.

(Riyaz I. Chagla J)

(Smt.Vasanti A Naik, J)