

Yogi Build Corporation and Another ...Petitioners
vs.
Union of India and Others ...Respondents

Mr. S.U. Deshmukh, for Respondent No. 4.

**CORAM : SHANTANU KEMKAR &
SMT. ANUJA PRABHUDESSAI, JJ.**

DATE : SEPTEMBER 06, 2017

P.C.:

1. Not on board. Upon mentioning taken on board.
2. Parties through their counsel.
3. Feeling aggrieved by the Minutes of the 117th Meeting of the fourth Respondent (Exhibit "O") rejecting the Petitioners' proposal for treating the land in question as Non CRZ, the Petitioners had filed an Appeal/Representation dated 24th June, 2017 (Exhibit "Q") before Respondent No. 4.
4. According to the Petitioners, while rejecting the Petitioners' proposal the judgment passed by the Division Bench of this Court in the case of **Andheri New Kapaswadi Juhu Ekta Co-**

Operative Housing Society Limited vs. State of Maharashtra in Writ Petition No. 161 of 2008 decided on 21st June, 2013 has not been considered.

5. It is the case of the Petitioners that the said judgment clearly indicates that the Petitioners would also be entitled for the relief claimed in the Petition.

6. It is also the case of the Petitioners that this identical issue has also been considered by two other Division Benches of this Court in the case of **Rustomjee Realty Private Limited and Anr. vs. Union of India in Writ Petition No. 647 of 2012** and in the case of **Murlidhar Ramchandra Panvelkar and Ors. vs. The State of Maharashtra and Ors. in Writ Petition No. 1694 of 2013.**

7. Today when the matter came up for hearing, the learned counsel for the Petitioners prayed that this Petition may be disposed of by directing the Competent Authority of the fourth Respondent to consider and take appropriate decision on the Petitioners' Appeal/Representation dated 24th June, 2017 (Exhibit "Q") as expeditiously as possible keeping in view the law laid down in the case **Andheri Housing Society** (supra), in **Rustomjee**

Realty (supra) and in the case of **Murlidhar Panvelkar** (supra).

8. The learned counsel appearing for the Respondents submit that the Petitioners' case will be considered and in case the Petitioners' case is covered by the aforesaid judgments, appropriate orders to that effect will be passed.

9. Having regard to the aforesaid, without commenting upon the merits of the matter and the Petitioners' entitlement for treating the land in question as Non CRZ, we are disposing this Petition by directing the Competent Authority of Respondent No. 4 to examine the Petitioners' matter keeping in view the law laid down by the Division Bench of this Court in the cases **Andheri Housing Society** (supra), in **Rustomjee Realty** (supra) and in the case of **Murlidhar Panvelkar** (supra).

10. Let the decision as aforesaid be taken by the Competent Authority of Respondent No. 4 within two months from the date of receipt of copy of this order.

11. With the aforesaid direction, the Petition is disposed of.

(SMT.ANUJA PRABHUDESSAI, J.) (SHANTANU KEMKAR, J.)