

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5423 OF 2018

Jamuna Tower Co-Operative Society Ltd. ... Petitioner.
V/s.
Mira Bhayander Municipal Corporation
and another. ... Respondents.

Mr.Shriram S. Kulkarni for the petitioner.

Mr.N.R.Bubna for respondent No.1.

Mr.Rajan Pawar, AGP with Mr.Manish M. Pabale, AGP
for respondent No.2.

CORAM : A.S.OKA AND RIYAZ I. CHAGLA, JJ.

DATE : 2nd May 2018.

P.C.:

Not on board. Taken up on board.

2. The learned counsel appearing for the petitioner states that an appeal under section 47 of the Maharashtra Regional and Town Planning Act, 1966 (for short “MRTP Act”) has been finally heard on 25th April 2018 and as of today, the appeal is not decided. He states that the petitioner has applied for interim relief in the appeal till the disposal of the appeal and the said application is likely to be heard tomorrow, provided the Appellate Authority is available.

3. The learned AGP as well as the learned counsel appearing for the Municipal Corporation have no instructions. Hence, we dispose of this petition by passing the following order:

(i) We direct the Appellate Authority (State of Maharashtra) to decide the pending application for interim relief made by the petitioner within a period of two weeks from today;

(ii) We direct that for a period of three weeks from today, no further steps shall be taken by the Municipal Corporation in respect of the building, subject to condition that even the petitioner will maintain status-quo as of today in all respect;

(iii) We make it clear that that the application for interim relief shall be decided on its own merits without being influenced by the limited protection granted by this Court;

(iv) Petition is disposed of on the above terms.

(RIYAZ I. CHAGLA, J.)

(A.S.OKA, J.)