

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 660 OF 2018

Tanzimul Muslimin Society Sanpada. ... Petitioner.
V/s.
The Commissioner, Navi Mumbai Municipal
Corporation and others. ... Respondents.

Mr.Y.H.Muchhala, Senior Advocate with Mr.Musaddique Momin i/b.
Judicare Law Associate for the petitioner.
Mr.Sandeep V. Marne for respondent No.1.
Mr.Sarthak Diwan i/b. Mr.A.M.Kulkarni for respondent No.2.
Ms.Nisha Mehra, AGP for respondent Nos.3 and 4.

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

DATE : 7th August 2018.

P.C.:

Not on board. Taken up on board.

2. The learned counsel appearing for the first respondent pointed out that an application made by the petitioner for grant of development permission under section 44 of the Maharashtra Regional and Town Planning Act, 1966 (for short “the said Act”) has been rejected by the communication dated 12th July 2016 (Exhibit-N to the petition). He states that as per his instructions, no application made by the petitioner for grant of permission under section 44 of the said Act is pending.

3. The learned senior counsel appearing for the petitioner states that he will have to take instructions whether a fresh application is already made by the petitioner.

4. In view of the factual statements, we need not keep this petition pending. Hence, we pass the following order:

- (i) If a fresh application is already made by the petitioner seeking development permission in accordance with section 45 of the said Act, the petitioner's Architect shall supply all particulars thereof to the Municipal Corporation within a period of three weeks from today. On furnishing such information, the Municipal Corporation shall decide the said application within three weeks from the date of receiving information and a communication to that effect shall be issued to the petitioner's Architect;
- (ii) If a fresh application is hereafter made for grant of development permission by the petitioner's Architect, the same shall be decided within a maximum period of sixty days from the date of filing of such application and the decision taken thereon shall be communicated to the petitioner's Architect;
- (ii) Writ petition is disposed of on the above terms.

(RIYAZ I. CHAGLA, J.)

(A.S.OKA, J.)